

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.


MEMBER OF THE COMMISSION


MEMBER OF THE COMMISSION


MEMBER OF THE COMMISSION

Sydney 19 July 2011

SCHEDULE 1

Application No.:	MP10_0044
Proponent:	Sir Moses Montefiore Jewish Home
Approval Authority:	Minister for Planning
Land:	100-120 King Street and 30-36 Dangar Street, Randwick
Project:	A building of 5 levels toward the south-eastern corner of the site providing: • residential aged care accommodation and support services; • a retail unit at the ground level; • parking facilities; and • a public square at the corner of King and Dangar Streets.

NOTES RELATING TO THE DETERMINATION OF MP10_0044

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Randwick City Council.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment Report Concept Plan and Project Application for the Sir Moses Montefiore Jewish Home dated September 2010.
Minister	means the Minister for Planning.
MP No. 10_0044	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.
Preferred Project Report (PPR)	means the Preferred Project Report for the Sir Moses Montefiore Jewish Home dated January 2011.
Proponent	means Sir Moses Montefiore Jewish Home or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
Subject Site	has the same meaning as the land identified in Part A of this schedule.

End of this Section

SCHEDULE 2

PART A- ADMINISTRATIVE CONDITIONS

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:
Construction of a building of 5 levels toward the south-eastern corner of the site providing:

- residential aged care accommodation and support services;
- a retail unit at the ground level of 350m²;
- parking facilities; and
- a public square at the corner of King and Dangar Streets.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated October 2007 prepared by Urbis and all Appendices, except where varied by

- the Preferred Project Report submitted on 7 September 2010 and all Appendices,
- the Proponent's Statement of Commitments included in the PPR; and
- the following drawings:

Architectural (or Design) Drawings prepared by Jackson Teece			
Drawing No.	Revision	Name of Plan	Date
DA120	B	Stage 1 Site Plan	18/01/11
DA121	B	Stage 1 Block C & D Level 1	18/01/11
DA122	B	Stage 1 Block C & D Level 2	18/01/11
DA123	B	Stage 1 Block C & D Level 3	18/01/11
DA124	B	Stage 1 Block C & D Level 4	18/01/11
DA125	B	Stage 1 Block C & D Level 5	18/01/11
DA126	B	Stage 1 Block C & D Level 6	18/01/11
DA127	B	Stage 1 Block C & D Level 7	18/01/11
DA130	B	Stage 1 Block C & D Elevations	18/01/11
DA311	B	Stage 1 Block C & D Elevations	18/01/11
DA350	B	Stage 1 Block C & D Detailed Elevations	18/01/11
DA351	B	Stage 1 Block C & D Detailed Elevations	18/01/11
DA412	B	Stage 1 Sections	18/01/11
DA413	B	Stage 1 Sections	18/01/11
DA700	B	Stage 1 Demolition Plan	18/01/11

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

A3. Inconsistencies between Document

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Ecological Sustainable Development

The development shall be carried out so that the following energy efficiency targets are met (as recommended by the Sustainability Strategy prepared by Cundall Associates dated 6 September . 2010):

- carbon: achieve a reduction of 40% compared against the existing building; and
- water: achieve a reduction of 25% compared against the existing building.

A6. Road Works

All works associated with the proposal will be at no cost to the RTA.

A7. Compliance with Building Code of Australia

All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

A8. Lapsing of Approval

This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

End of this Section

PART B- PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Electricity Substation

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 all detailed landscape drawings and specifications. The Proponent must liaise with Energy Australia prior to lodging the Construction Certificate to determine whether or not an electricity substation is required for the development.

B2. Flooding

Prior to lodgement of a Construction Certificate the Proponent must submit to Council for approval, and have approved, a flood study which determines the critical 1 in 100 year ARI flood level for the development site. The Proponent must liaise with Councils Development Engineer Coordinator prior to lodgement of the flood study to obtain all of Council's requirements for the study and any supporting data.

B3. Survey of Council's Stormwater Infrastructure

Prior to lodging a Construction Certificate the Proponent must undertake a detailed investigation and survey of all Council owned/controlled stormwater infrastructure within the Concept Plan Application development sites. The proposed developments must either be suitably designed so as to allow free and unimpeded access to the existing drainage infrastructure or alternatively the pipelines must be relocated/reconstructed clear of any structures.

B4. Design Modifications

The approved plans and the *Construction Certificate* plans and specifications, required to be submitted to the Certifying Authority, pursuant to Clause 139 of the Regulation, must detail the following:

- a) The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
- b) Lighting to the premises shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
- c) There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
- d) All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
- e) The finished ground levels external to the building are to be consistent with the approval and are not to be raised (other than for the provision of paving or the like on the ground) without the written approval of the consent authority.
- f) The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668.
- g) Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications.
- h) All carpark areas, carspaces, access driveways and loading zones must comply with the relevant provisions of AS 2890.1-2004 (including, but not limited to, the ramp grades, carpark layout, carspace dimensions, circulation aisles and height clearances).
- i) The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1 in 100 year flood level or suitably waterproofed up to this same level.

Similarly any basement level must be protected from stormwater inundation to a minimum height of 500mm above the calculated 1 in 100 year flood level.

- j) All windows, vents and other openings into the basement areas must be located at least 500 mm above the determined 1 in 100 year flood level.
- k) The level of any open carspace shall be a minimum of 300mm above the calculated 1 in 100 year flood level.
- l) The proposed internal roadways, drainage easements and overland flow routes through/around the development site shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e. $VD < 0.4$).
- m) All structural walls on the ground floor level shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a Construction Certificate. It is noted that 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.
- n) Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).
- o) All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

B5. Traffic/ Access Details

Prior to the issuing of a Construction Certificate the Proponent must provide the following details to Council for approval:

- Full details on circulation paths within the development site and the location of any loading areas.
- Details on the direction of traffic and one-way / two-way movements of all internal roads.
- Access routes for service vehicles.
- Access facilities for people with disabilities.

B6. Location of Footings

All proposed footings located adjacent to drainage easements and/or drainage pipelines under Council's control shall either be:

- a. Founded on rock, or;
- b. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition **shall be submitted with the Construction Certificate** application.

The footings must be inspected by the Proponent's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the certifying authority, prior to proceeding to the subsequent stages of construction

B7. Construction Traffic Management Plan

Prior to the issue of a Construction Certificate the Proponent shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development and will address the points as set out in condition 33. A copy of the CTMP is to be submitted to the STA. Any direct impact bus infrastructure or operations in relation to this development will need to be provided to STA for review. All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

B8. Greywater Treatment/Diversion System

An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999, must be submitted to and approved by Council prior to a **Construction Certificate** being issued for the development, for the installation and operation of a Greywater Treatment/Diversion System. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application. The greywater system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Greywater and Sewage Recycling systems and devices.

B9. Mechanical Ventilation

Details of mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the Construction Certificate and a copy of relevant documentation is to be provided to Council.

B10. Emission Control

Details of the proposed emission control equipment must be provided in the documentation for the Construction Certificate and be approved by the certifying authority in accordance with section 80A(2) of the Environmental Planning & Assessment Act 1979, **prior to issuing the Construction Certificate**.

B11. State Environmental Planning Policy Housing for Seniors or People with a Disability, 2004

Prior to the issue of a Construction Certificate, plans shall be submitted with the certifying authority demonstrating compliance with Clause 41 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - *Standards for hostels and serviced self-care housing*.

B12. Public Utility Impact Assessment

A public utility impact assessment must be carried out on all public utility services on the Project Application site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

B13. Public Utilities

Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a Construction Certificate being issued for the development.

The Proponent must meet the full cost for all utilities including telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The Proponent must make the necessary arrangements with the service authority.

B14. Works in Relation to Council Stormwater Infrastructure

Prior to issuing a Construction Certificate, full design details and specifications for all works relating to Council controlled stormwater pipelines/ infrastructure within the Project Application development site must be submitted to and approved by Council. Works shall be in generally in accordance with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October, 2009 as amended by the Preferred Project Report Appendix H.

B15. Professional Engineering Details

Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a Construction Certificate being issued. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for subsequent stages must be approved with the relevant future Construction Certificates. 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) 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 system.
- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.

B16. Stormwater Detention

Onsite stormwater detention shall be provided for the development in general accordance with the design parameters established with the development consent for Development Application 551/2002 and with the stormwater drainage concept plan prepared by Emerson and Associates dated 6 October 2009 as amended by the Preferred Project Report Appendix H. Full design details for the stormwater infrastructure serving the approved works must be submitted to Council for approval, and be approved, prior to the issuing of a Construction Certificate.

B17. Payment of Security Deposit

The following damage/civil works security deposit requirement is to be complied with prior to a Construction Certificate being issued as security for making good any damage caused to the roadway, footway, verge or any public place; or 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:

- a) \$10000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this approval.

The Proponent is to advise Council, in writing, of the completion of all building works and/or obtaining an Occupation Certificate, if required. The Proponent 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.

B18. NSW Office of Water Requirements

The Construction Certificate and all works on the development site must comply with any requirements of the New South Wales Office of Water.

B19. Waste Management Plan

Prior to the issuing of a Construction Certificate the Proponent is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan 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 the on-going management of waste

B20. Detailed Landscape Plans

The landscaped areas shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a Construction Certificate. The documentation is to include:

- a) A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas. The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- b) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.

- c) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- d) Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- e) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
- f) Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- g) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
- h) Location of easements within the site and upon adjacent sites (if any).

End of this Section

PART C- PRIOR TO CONSTRUCTION

C1. Appointment of Accredited Certifier

Prior to the commencement of any building works, a suitably qualified person (i.e. a BPB qualified accredited certifier) must be appointed for the development to monitor compliance with the relevant standards of construction, the Major Project approval and the approved construction plans. The critical stages of construction are to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the appointed Certifier or other suitably qualified person, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

C2. Construction Site Management Plan

A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- removal of hazardous materials and compliance with relevant legislation;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

C3. Disposal of Liquid Trade Waste

Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works**

C4. Payment of Long Service Levy

The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to commencement of work, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

C5. Geotechnical Certification

Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be obtained prior to commencement of work, certifying the suitability and stability of the site for the proposed buildings and certifying the suitability and adequacy of the proposed design and construction of the buildings for the site. A copy of the engineers report is to be submitted to the Certifier.

C6. Protection of Adjoining Land and Buildings

Driven type piles/shoring must not be provided unless a geotechnical engineer's report is obtained, prior to commencement of work, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works. Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction drawings. A copy of the engineers report is to be submitted to the Certifier.

C7. Ground and Rock Anchors

The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises or public land.

C8. Disposal of Site Water During Construction

During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Details of the proposed sediment control measures are to be detailed in a site water management plan and must be prepared prior to the commencement of any site works.

C9. Sediment and Erosion Control Measures

The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

Details of proposed sediment and erosion control measures shall include a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

C10. Site Fence

Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council. Temporary fences and hoardings are to 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.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written approval from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

C11. Security Hoardings and Overhead Protection

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises. The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

C12. Maintenance of Vehicular and Pedestrian Safety and Access

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) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) 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 Building Services section.
- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) A Local Approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or 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.

C13. Requirement for a Road Occupancy Permit

A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service 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.

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. 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.

End of this Section

PART D- DURING CONSTRUCTION

D1. Approved Plans to be On-site

A copy of the approved construction plans and Major Project approval conditions must be provided to Council and a copy is to be kept on the site at all times and be made available to the Council officers and personnel for assessment.

D2. Contact Number

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

D3. Site Sign

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

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours;
- name, address and telephone number of the Project Manager,
- a statement stating that "unauthorised entry to the work site is prohibited".

D4. Hours of Work

Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays. All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday. In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

D5. Remediation Works

Remediation works shall be carried out in accordance with the recommendations of the Site Contamination Review prepared by Cetec, dated July 19 2010, and submitted with the Environmental Assessment.

D6. Demolition Work plan

A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and carried out in accordance with the document titled 'Site Contamination Review: Sir Moses Montefiore Jewish Home', prepared by Cetec, dated 19 July 2010.

- 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 asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- 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 Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. 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 Work Cover licences and permits.

D7. Protection of Trees - Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D8. Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D9. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

D10. Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D11. Noise and Vibration Management

- a) A report must be obtained from a suitably qualified and experienced consultant **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, the conditions of approval and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made and a copy of the report is to be forwarded to Certifier.
- b) Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of approval, work must cease forthwith and is not to recommence until details of compliance are submitted to the Certifier.
- c) 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 and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Certifier.

D12. Dust Mitigation

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.
- Revegetation of disturbed areas.

D13. Excavation

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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Certifier or other suitability qualified person prior to commencing such excavations or works.

D14. Fill Material

Any fill that is to be imported to the site is to be monitored, classified and documented by a suitably qualified Environmental Consultant. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

D15. Support for Neighbouring Land and Buildings

The adjoining land and buildings located upon the adjoining land must be adequately supported at all times. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

D16. Compliance with Approval

A Registered Surveyor's survey certificate is to be obtained and provided to the Certifier detailing compliance with the approval at the following stage/s of construction:

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

D17. Disposal of Seepage and Stormwater

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

D18. Demolition, Handling and Disposal of Materials

The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW – Guidelines and Codes of Practice
- Randwick City Council's Asbestos Policy
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

D19. Asbestos Removal

- a) 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 WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover 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 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

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

- b) A Work Cover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by Work Cover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On demolition sites involving the removal of asbestos, a professionally manufactured 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. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- d) 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 1996.

D20. Hazardous Waste

Any hazardous and/or intractable wastes arising from any demolition, excavation, building and any remediation works are to be managed and disposed of in accordance with the requirements of

Work Cover NSW and the Department of Environment and Climate Change (formerly EPA), including the provisions of:

- New South Wales Occupational Health and Safety Act, 2000;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection Of the Environment Operations Act 1997 (NSW);
- Environment Protection Authority's Environmental Guidelines;
- Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999);
- Randwick City Council's Asbestos Policy.

D21. Groundwater and Waterproofing

Should the above site be likely to encounter groundwater, (i.e. excavation will be within the water table), the basement levels or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

End of this Section

PART E- PRIOR TO ISSUE OF OCCUPATION CERTIFICATE/ PRIOR TO OPERATIONS

E1. Positive Covenant

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing that the public square as described in the EA documentation shall be maintained as publically accessible space for the life of the development. The Instrument shall be lodged with the Land Titles Office prior to the release of any Occupation Certificate. The Instrument shall be registered prior to the completion of development.

E2. Restrictions of Use

Prior to commencement of occupation of any part of the development approved pursuant to this approval or prior to the issue of an Occupation Certificate, the Proponent must create a restriction as to the user under the Conveyancing Act 1919 restricting the occupation of each dwelling in the subject development to:

- a) seniors or people who have a disability as defined by the provision of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided in this development.

The instrument creating the restriction as to user, shall be prepared by the Proponent at its own expense and submitted duly executed by the Proponent or the owner of the property to the Department for approval by the Department's solicitors. The Proponent will pay the costs of the instrument and proof of registration of the instrument upon the title to the subject property will be provided to the Department by the Proponent prior to the occupation or issue of an Occupation Certificate in respect of the property.

E3. Affordable Accommodation Management Plan

An Affordable Accommodation Management Plan shall be prepared to guide the provision of affordable places across the entire aged care facility, and shall be, submitted to and approved by Council **prior to the issue of an Occupation Certificate** for the works carried out as part of this project approval.

Prior to the issue of an Occupation Certificate for the last building, a final Affordable Accommodation Management Plan will be submitted to Council to demonstrate that procedures are in place to ensure that 10% affordable places are being achieved across the site.

E4. Acoustic Certification

A report, prepared by a suitably qualified and experienced acoustic consultant shall be submitted to the Council **prior to an Occupation Certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, conditions of approval (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.

E5. Registration of Warm Water Systems

Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.

E6. Workplace Travel Plan

The Proponent must prepare a Workplace Travel Plan (WTP/ Green Travel Plan as recommended in the EA and PPR documentation) and Transport Access Guide (TAG) for workers, visitors and residents of the site. The WTP and TAG must be completed and reviewed by Transport NSW prior to the issue of any Occupation Certificate. The WTP should be produced in accordance with the Workplace Travel Plan resource on the NSW Government Premier's Council for Active Living website: www.pcal.nsw.gov.au. Information regarding TAGs is available on the NSW Roads and Traffic Authority's website: www.rta.nsw.gov.au.

E7. Certification of Civil Works

The owner/builders 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 for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

E8. Civil Works to King and Dangar Streets

Prior to the issuing of an Occupation Certificate the Proponent must meet the full cost for Council or a Council approved contractor to undertake civil works in King and/or Dangar Street as required to provide vehicular access and pedestrian access to the development site or to improve pedestrian safety in the vicinity of the development site. The Proponent must contact Council's Development Engineer Coordinator to discuss Council's requirements for civil works prior to the issuing of a Construction Certificate for any stage of the Concept Plan.

E9. Repair to Council Property

The Proponent 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.

E10. Power/ Telecommunications Related Works

The Proponent shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The Proponent shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an Occupation Certificate for the development.

E11. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice must be issued to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

E12. Commissioning and Certification of Systems and Works

Prior to the issuing of an Occupation Certificate the Proponent shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified

and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

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

E13. Certification of Approved Landscaping

Upon completion of landscape works, and prior to the issue of a Final Occupation Certificate, documentary evidence is to be obtained from a suitably qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILDM or AILA), which shall be submitted to, and be approved by, the PCA, which certifies that the landscaping has been completed in accordance with the approved plans and relevant conditions of approval. The property owner is responsible for implementing suitable strategies to ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state until maturity.

E14. Suitable for Occupation

A statement confirming that the building is suitable for occupation must be obtained from a suitably qualified person (i.e. a BPB qualified accredited certifier) prior to any occupation of the building work encompassed in this approval. The statement must not be issued if the development is inconsistent with the approval and the relevant conditions of approval must be satisfied prior to occupation. Details of critical stage inspections carried out, together with any other certification relied upon must be provided to Council prior to occupation.

E15. Street Numbering

Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

End of this Section

PART F- DURING OPERATIONS

F1. Noise Control

- a) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- b) 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 ($L_{A90, 15 \text{ min}}$) 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 $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

F2. Vibrations

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

F3. Emissions/ Discharges

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

F4. Loading/ Unloading

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out between 7am and 7pm, Monday to Sunday.

F5. Stormwater Drainage

All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system.

F6. Waste Water from Cooling Towers

Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

End of this Section

ADVISORY NOTES

AN1. Future Applications

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- Shop fit out and use - the Proponent shall seek development consent prior to occupation and use of individual tenancies. Development applications for food premises shall comply with the requirements of AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003 and the Food Safety Standards.

AN2. Commonwealth Disability Discrimination Act 1992

You are advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and you should therefore consider your liability under the Act. In this regard, you are advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

You are requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

AN3. Approval for Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

End of this Section