

Our Ref: F2017/00247

12 August 2017

The Director  
Social Infrastructure Assessments  
Department of Planning & Environment  
GPO Box 39 Sydney NSW 2001

Attention: Ms Michelle Niles

Dear Madam,

**Re: Notice of exhibition of State Significant Development Application for the redevelopment of UNSW Cliffbrook Campus (SSD 8126)**

Thankyou for inviting Randwick City Council's comments on the SSD Application, Environmental Impact Statement (EIS) and accompanying documents for the proposed redevelopment of the UNSW Cliffbrook Campus (SSD 8126). Council raises a number of concerns with the proposal and attaches a detailed submission to this letter. Where appropriate recommended approval conditions are included. A summary of our main issues follows.

**Planning**

A significant issue for Council is the absence of relevant and appropriate development standards applicable to the proposal on the subject site given that there are no standards, particularly relating to height and density, attached to the existing SP2 Infrastructure and RE2 Private Recreation zonings. As such, the envelope of the proposed development is assessable only on its merits in the context of the subject site and its attributes. In this regard, Council raises the following issues:

- With a maximum height of part-3 and part-4 storeys the proposed development will be visually larger and bulkier in scale than the predominantly two-storey residential built form of existing dwelling houses on Battery Street. The subject site, being a Special Purpose (SP2 Infrastructure) zone occurs at a critical interface with the existing Low Density Residential (R2) zone to the north and east such that the existing low density and scale of residential development, particularly along Battery Street (see Figure 1 below) requires a more sensitive transition in scale that respects the low density character along Battery Street. While there are existing 3-4 storey walk-up apartment buildings on Battery Street, these are historical anomalies and not the predominant built form and, therefore, should not be used as precedence for the proposed development.



**Figure 1:** Existing predominantly two storey residential scale on the northern side of Battery Street opposite the subject site.

- The proposed building envelope appears visually dominant and overbearing in relation to the existing heritage item with the roof of level 3 of the proposed development two levels higher than the eaves level of the heritage item and the roof of Level 2 one level higher than the eaves level of the heritage item. It is noted that the proposed building will form the new backdrop to Cliffbrook house when viewed from the vehicular and pedestrian entry to the site from Beach Street. The drawings indicate an extensively glazed façade facing the heritage item with projecting spandrels incorporating planter boxes. The design of the new development should be reduced in height to ensure that the new building forms have a recessive and less overbearing backdrop to the heritage item.
- The western part of the site includes Cliffbrook which is centrally located, an early sandstone outbuilding (former garage) integral with the sandstone boundary wall and several unsympathetic post war buildings. The main symmetrical façade of Cliffbrook faces east towards the ocean, but there are stone porticoes to the north and south, as well as the east façade. While the proposed building, on its own, represents a high quality design, the monolithic nature of its curved glazed wall detracts from the setting of Cliffbrook and significantly erodes its curtilage.
- The proposed building is to be somewhat closer to the northern elevation of Cliffbrook than the existing single storey and two/three storey buildings and considerably closer to the eastern elevation of Cliffbrook than the existing two/three storey building. While the south eastern end and the western end of the larger ground floor podium of the proposed development will have a green roof, its footprint will impact on the curtilage and setting of the main eastern façade of the heritage item.

## Landscape

The proposal will impact on the setting of Cliffbrook house through the removal of existing plantings to the north west, north, north east and east of the heritage item. Existing trees in the arc from north to east will be removed and replaced by the proposed building which will form the new backdrop to the heritage item. The loss of this tree canopy will affect the existing landscaped setting of Cliffbrook and its replacement with an extensively glazed façade facing the heritage item with projecting spandrels incorporating planter boxes will diminish its heritage significance.



## **Design Excellence and Site Specific DCP**

Clause 6.11 – Design Excellence and Clause 6.12 – Development of the Randwick LEP requires the preparation of a development control plan for sites with an area of at least 10,000sqm. The subject site has an area of approximately 11,536sqm, and would require the preparation of a DCP or staged development application. However, the proponent has provided reasons as to why the provisions of Clause 6.11 and 6.12 do not apply in the subject SSD application. A review of these reasons, indicates that they appear superficial with little in-depth analysis of the matters for consideration that Clause 6.11 and 6.12 raise. The issues identified above regarding the height, bulk and scale of the proposed development arise from a failure to consider a broader contextual analysis. In particular, Council finds the following issues inadequately addressed:

- As there are no building form controls applicable over the subject site, a site specific DCP would assist in controlling future development on the subject site and guiding any potential phasing of development to prevent any incremental over development of the subject site when, for example, demand for student residential space grows.
- The form and external appearance of the building does not appear to improve the quality and amenity of the public domain along Beach Street and Battery Street. The articulation and modulation of the building, on its own, appears as a quality architectural design. However, in the context of the locality, it relates poorly to the surrounding residential streetscape and detracts from the heritage significance of the existing heritage item.
- The proposal does not provide a comprehensive analysis of the design principles drawn from an analysis of the site and its context, which has resulted in a proposal that appears out of context and unsympathetic in form, design and scale to the residential areas all around the subject site. The proportion and scale of the proposed building will be overbearing and out-of-character with the residential nature and scale of the streetscape, in particular, that of Battery Street as mentioned in the previous section above.
- The design of the proposed building appears to be disproportionately focussed on the future form and function of the university use of the subject site, as well as, the maximisation of district and water views for future prestigious UNSW Australian Graduate School of Management (AGSM) facility. To achieve this, the proposal uses a building with a curved glazed wall element that may suit the needs of the university but, in effect, creates a backdrop that will be at odds with the existing heritage item.
- The height, bulk and scale of the proposed development does not achieve an acceptable relationship with other buildings on neighbouring sites, in particular, the existing one to two storey scale of dwelling house on the northern side of Battery Street.
- The proposed development would detrimentally impact on view corridors to and from the Cliffbrook house heritage landmark. While the existing vegetation along the Battery Street frontage obscures views of the heritage item from Battery Street, filtered views of the item are still possible looking downhill from the residential properties elevated above Battery Street and also further north and north-east. These views will be totally blocked by the proposed building.

## **Section 94 Contributions**

The proposed development is not exempt from levies payable under Randwick Council's S94A Plan. Additionally, Crown developments such as being proposed are not automatically exempt from payments under Council's Section 94A Plan. Notwithstanding this, the proponent contends that the proposed development should be exempt from Section 94 contributions payment for the following reasons:

### ***The proposal will refurbish and improve the existing educational establishment onsite***

**Council's comment:** The proposal represents a whole scale redevelopment of the subject site that is intended to maximise student patronage of the UNSW Australian Graduate School of Management (AGSM) program which is primarily a premium postgraduate Masters in Business Administration (MBA) program (see web-site: <https://www.business.unsw.edu.au/agsm/about>). The proposal will result in a significant increase in floor area and building height beyond that existing on-site. Accordingly, there will be an increased intensity of use that will in turn result in an increase demand on services and facilities levied under the Randwick S94A plan.

### ***The proposal is in the public interest***

**Council's comment:** Contrary to this reason, Council would contend that there is no wide public interest that the proposal will serve to warrant an exemption from contributions payment. The educational benefit that the AGSM business school program will provide will primarily be targeted to postgraduate students both locally and overseas with the means to pay or be sponsored for the premium residential study program.

### ***The proposal will not significantly increase the demand for services and facilities levied under the Randwick S94A Plan.***

**Council's comment:** The underlying purpose of Council's Section 94A Plan is to obtain funding from development activities that increase the demand for council-provided public facilities or services, and applies across a wide range of development types, including residential, commercial, accommodation, educational and retail development.

Such developments are levied regardless of whether they add floor space or provide for an increase in occupants. The argument that contributions should not apply to this proposed UNSW AGSM project because there is no increase in floor space, student or staff numbers is not supported, and is considered inequitable when compared, for example, to the requirement under the Plan for families to contribute s94A funds for home alterations.

Council has consistently considered that development by the University falls under the provisions of Council's Section 94A Contributions Plan. While noting that the University holds a prominent role in Randwick City, and that the large number of staff and students provide flow-on economic benefits to surrounding businesses and town centres, the University also places heavy demands on and also benefits from the public services and facilities provided by the Council. This issue has previously been raised with the Department of Planning and Environment on several occasions. Moreover, the University is a business providing education on a fee for service basis, does not meet the types of development or works to be exempted under the plan.



To reiterate, Randwick City Council's Section 94A Plan is not nexus-based, and is not aimed at developers. The Plan applies a flat percentage-based contribution to all development over a nominated value (1% for all developments over \$200,000), with limited exceptions (for example, charities and seniors housing). The University, a business providing education on a fee for service basis does not fall into the specified exempt categories.

Based on the points raised above, the Council therefore requests that any consent issued for the development should include a requirement consistent with the S94A Plan for a developer contribution of 1% of the Capital Investment Value (CIV) project cost of \$30,964,993.00 equating to \$309,649.93 .

### ***The University is a not-for-profit educational institution***

**Council's comment:** The existing exemption criteria in the Randwick Section 94A Contributions Plan do not include not-for-profit organisations. As indicated in the EIS, the University is a "business" providing education on a fee-for-service basis. In this regard, it is widely known and understood that universities as business entities are expected to be self-sufficient by maximising returns so as to secure their primary functions of teaching and research. Accordingly, the proposed development and its activities are not considered to warrant a S94A exemption.

In this regard, the AGSM Course is predicated largely on its national and international reputation as a premier MBA (Executive) program with an intensive residential program. It will bring in residential students from within Australia and overseas. The introduction of a more extensive student base on-site with a more intense residential stay program will impact on the adjoining public domain especially as the proposed walkway will allow access to the foreshore and Cliffbrook Parade Boardwalk. As expected of a university of this calibre internationally, and given its standing in the local area, the proposed development and its activities are not considered to warrant a S94A exemption. While the proponent indicates that the proposal will only involve the relocation of existing AGSM program from the UNSW Kensington Campus, the EIS states that "*... the proposed facility will also be used for UNSW Faculty Away days and University related seminars as well as seasonal short-stay academic and visitor accommodation when not in use by the AGSM programs*". Cumulatively, the AGSM program and broader extra University use will bring a constant student and teaching population that will have an increased impact for services and facilities in the locality.

### **Sunlight, privacy and views**

The topography of the area surrounding the subject site is undulating and affords existing opportunities for views especially looking east towards the ocean. Accordingly, the proposed building envelope has the potential to impact upon existing views currently available to surrounding properties located to the east. The applicant has undertaken a view loss analysis of selected properties essentially indicating overall that "... the proposal is able to achieve a positive visual outcome as the levels of impact on the majority of the views are acceptable". Notwithstanding this, concern is raised regarding the use of a limited number of properties (20 potentially impacted properties) to make such a blanket statement. A more comprehensive view loss analysis should be undertaken using, in particular, the view loss planning principles established in *Tenacity vs Warringah Council*. In terms of the actual case studies undertaken, Council would query the accuracy of the proposed building envelope that has been digitised into the "after" vista of affected properties, in particular, whether accurate and appropriate survey datum of the relevant levels of selected affected properties (where photos of view loss were taken) have been factored into the analysis relative to the digitised survey

datum for the proposed building envelope. View loss analysis for a wider range of properties should be undertaken and, if warranted, a reduction in height and footprint be implemented otherwise the proposal will result in the creation of a monolithic visual mass that would obstruct view corridors through the subject site and in relation to the existing heritage item (see also comments under the Heritage section below).

Council's DCP 2013 contains relevant criteria relating to solar access to neighbours to ensure adequate daylight to the main living areas of neighbouring properties and adequate sunlight to substantial areas of private open space in adjoining sites are maintained. The expected shadow impacts on the adjoining and nearby properties must be clearly shown. In this regard, Council queries the degree of clarity of the shadow studies undertaken in the EIS given the scale of the locality shown in these studies. Concern is raised regarding the overshadowing impact on the north elevation and curtilage of the heritage item which will be overshadowed by the enclosing wall of the proposed development all day during the winter solstice. Additionally, the impact of overshadowing on the south eastern open space within the development site should be addressed.

In terms of privacy, assessment of visual and acoustic privacy to adjoining residential properties appears superficial and inadequate. In particular, the impact on adjoining residential properties along Beach Street, Battery Street and Gordon Avenue must be carefully assessed and, if required, strategies for mitigating loss of privacy must be conditioned as part of any development consent.

## **Heritage**

Council's Heritage Planner has provided comments which support the concerns regarding impacts on the existing heritage items raised in the Planning section above. The Heritage Planner advice (in italics) is as follows:

*The application has been accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage, a Conservation Management Plan prepared by Weir Phillips Heritage (7 documents), a Historical Archaeological Assessment (European Heritage) + Research Design & Excavation Methodology prepared by Mary Dallas Consulting Archaeologists (11 documents) and an Aboriginal Cultural Heritage Assessment Report prepared by Mary Dallas Consulting Archaeologists (5 documents).*

*In terms of Site History, the Historical Archaeological Assessment notes that the study area is a remnant of the former Cliffbrook Estate - an amalgam of mid nineteenth century crown grants originally acquired by Gordon Lewis (surveyor) and John Thompson (one time Randwick mayor). Notable development within the estate included the establishment of the first Cliffbrook House (later Gordons Court) and its associated gatehouse lodge and stabling complex (1860s) as well as the construction of the extant Cliffbrook in the 1920s. Most of the other development on the site, including a suite of brick buildings, date from the c.1950s and are related to use of the place by the AAEC as its headquarters until the 1980s. Since the 1990s, the site has been utilised by UNSW as its Cliffbrook Campus.*

*The CMP considers that the site has historic and aesthetic significance arising out of the presence of a fine example of a large Interwar Free Classical Style dwelling, erected in c.1922, on a large site with some significant planting and a contemporary stone garage. The nineteenth century sandstone walls on the boundaries of Beach and Battery Streets have historic and aesthetic significance as remnants of the earlier Cliffbrook mansion estate and for their contribution to the streetscape. The site has significance for its associations with Sir Denison Miller, first chairman of*



the Commonwealth Bank, and with the AAEC, whose headquarters were located at Cliffbrook between 1953 and 1981.

### **European Heritage**

The Conservation Management Plan provides a thorough Site History and Site Assessment, an Assessment of Significance including a revised Statement to Significance, and Conservation Policies. The CMP concludes that use of the site as a University Campus is supported as an appropriate use. The CMP considers that the significance of the site provides both opportunities and constraints on the way in which it is used in the present day and in the future. The integrity and relative significance of different part of the site and the buildings upon it create different opportunities and constraints as to how that building(s) or space(s) can be developed. Management policies have been provided to ensure that the heritage significance of the place is retained whilst ongoing use is facilitated. Policies are organised under a set of general principles that define a conservation policy for the site.

The Heritage Impact Statement includes an Outline of the Historical Development of the Site, a Site Assessment, and Assessment of Heritage Significance, a Scope of Works and the Effect of Works. In terms of the Historical Development of the Site, the HIS, describes the original "Cliffbrook" and the new "Cliffbrook", as well as use of the site by the Australian Army, the Department of Social Services, the Australian Atomic Energy Commission and the University of NSW. In terms of Effect of Works, the HIS notes that the proposal will retain the two most significant buildings on the site: Cliffbrook and the former garage, as well as significant landscape elements including sandstone boundary walls and Norfolk Island pines. The HIS notes that only minor external and internal changes are posed to Cliffbrook and the garage. The HIS considers that the administration buildings are not of architectural or aesthetic significance, and their demolition is acceptable under CMP policies. The HIS considers that the new building maintains or improves existing setbacks from Cliffbrook and will not block any existing significant view corridors into or out of the site. The HIS argues that the impact of the new building is managed by articulation, materials and flat roof forms, fulfilling the requirements for new building on the site set out by the CMP. The HIS makes recommendations in relation to archival recording, salvage and storage of original fabric requiring removal, preparation and implementation of an interpretation strategy and employment of the heritage specialist for the project.

### **European Archaeology**

On the basis of the Research Design and Excavation Methodology which has been carried out, the HAA notes that the study area has the potential to contain vestiges of past use of the place that have historical archaeological value and significance. These potential remains relate to the original Cliffbrook outbuilding complex, which formerly stood in the northwest of the campus area which was demolished to make way for the extant Cliffbrook mansion and associated landscaping.

The HAA recommended undertaking a program of targeted historical archaeological testing detailed in this document should be undertaken, acknowledging NSW Heritage Division best practice and in accordance with the research design and excavation methodology presented herein. On completion of the testing, the results (which will be documented in an excavation report) should be used to inform detailed project design (including the provision of in-ground services and landscaping) and future management of any identified archaeological resource. The HAA notes that a program of archaeological testing was undertaken during the week commencing 27 April 2017.

### **Aboriginal Archaeology**



The Aboriginal Cultural Heritage Assessment Report includes an Aboriginal Cultural Assessment (partially completed due to time constraints), an Archaeological Assessment, a summary of Assessment Results and addresses Mitigation and Management. In terms of Significance Assessment the ACHA notes that no Aboriginal archaeological remains have yet been recorded within the site, which is likely to have been disturbed to some degree by the historical activities or geomorphology. Any evidence could potentially be rare and of considerable age, and would be likely to retain a level of significance within the Sydney region for its ability to shed more light on Aboriginal use of the landscape. With respect to Aboriginal community significance, all Registered Aboriginal Parties consulted and invited to contribute any relevant Aboriginal cultural or historical information. In terms of Proposed Management the ACHA notes that the proposed management of Aboriginal heritage within the scope of the current proposal will involve a combination of archaeological monitoring and archaeological test and/or salvage excavation where required.

The ACHA Report recommends that an Aboriginal Heritage Management Plan (AHMP) be prepared as part of construction documentation for the current proposal as a condition of development consent, detailing recommended archaeological works and how these works are to be undertaken in conjunction with the proposed works. The Report recommends that a copy of the current report should be provided to the Registered Aboriginal Parties for comment. On completion of any archaeological monitoring and excavation undertaken in relation to the proposed works, a report is to be produced, and a copy is to be provided to all Registered Aboriginal Parties. Where archaeological remains are documented during archaeological monitoring or excavation, records are to be submitted to the AHIMS Register. Where archaeological remains are documented during archaeological monitoring or excavation, some form of onsite interpretation should be developed in consultation with the Registered Aboriginal Parties, and possibly in conjunction with the results of any historical archaeological investigations.

### **Controls**

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

The Heritage section of Randwick Development Control Plan 2013 includes Objectives and Controls in relation to Design and Character, Scale and Form, and Siting and Setbacks. In relation to Design and Character, clause 2.2 of the DCP includes an Objective of ensuring that new development does not adversely impact on the setting, streetscape or views of the heritage item. In relation to Scale and Form, clause 2.3 of the DCPO includes an objective of ensuring that the scale of form of development is consistent with the scale and form of adjacent heritage items. In relation to Siting and Setbacks, clause 2.4 of the DCP includes an objective of ensuring adequate curtilage and landscape setting for the building.

### **Approvals**

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

### **Comments**

In relation to New development adjacent to a heritage item, the Statements of Heritage Impact publication produced by the Heritage Office and the Department of Urban Affairs and Planning in 1996 provides a number of questions to be answered:



- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

*The eastern part of the Cliffbrook site contains few if any buildings and has a strong landscape character including grassed areas and dense trees. The western part of the site includes Cliffbrook which is centrally located, an early sandstone outbuilding (former garage) integral with the sandstone boundary wall and several unsympathetic post war buildings. The main symmetrical façade of Cliffbrook faces east towards the ocean, but there are stone porticoes to the north and south, as well as the east façade. The single storey building immediately to the north of Cliffbrook and the three storey building to the east detract from setting of Cliffbrook and have eroded its curtilage.*

*A CMP for the site was prepared in 1993 by Donald Mc Phee, noted that sandstone walls to the western boundary date are contemporary with the original 1860s Cliffbrook, while the north wall and the buttresses to the west wall represent site improvements carried out between 1883 and 1893. An area of soft landscaping surrounds Cliffbrook itself including Norfolk Island pines and palm trees, which assists in screening the adjacent unsympathetic buildings and extensive driveway areas. In addition, the site includes much perimeter landscaping to the north, west and south boundaries.*

### **Structural damage**

*In terms of physical impact, it appears that the ground level of the new building will be around 8m from Cliffbrook's north portico and around 5m from the sandstone outbuilding and around 7m from the north sandstone boundary wall, while the basement level will be around 12m from Cliffbrook's east portico. There are concerns that the proximity of the new buildings could impact on the structural stability of these buildings, particularly through vibration resulting from drilling in rock. Strict consent conditions should be included in relation to protection and monitoring existing buildings and structures.*

### **Landscape impact**

*The proposal will impact on the setting of Cliffbrook house through the removal of existing plantings to the north west, north, north east and east of the building. Trees to the north east and north provide a landscape setting for the building when viewed from adjacent streets, while trees to the north east and east screen the existing L-shaped building. The proposal will retain existing trees along the northern boundary, existing Norfolk Island pines to the west, lawn areas to the east and existing plantings to the south. A consolidated front garden setting will be provided to the east of Cliffbrook through reducing extensive driveway areas. Trees*

*in the arc from north to east will however be replaced by the proposed building which will form the new backdrop to the heritage item.*

### **Setting and curtilage**

*The proposed building is to be somewhat closer to the northern elevation of Cliffbrook than the existing single storey and two/three storey buildings and considerably closer to the eastern elevation of Cliffbrook than the existing two/three storey building. While the south eastern end and the western end of the larger ground floor podium of the proposed development will have a green roof, its footprint will impact on the curtilage and setting of the main eastern façade of the heritage item.*

### **Building envelope**

*The roof of level 2 of the proposed development will be one level higher than the eaves level of the heritage item, while the roof of level 3 will be two levels higher than the eaves height. There are some concerns in relation to possible visual dominance of the heritage item by the proposed development. It is noted that the proposed building will form the new backdrop to Cliffbrook house when viewed from the vehicular and pedestrian entry to the site from Beach Street. Drawings indicate an extensively glazed façade facing the heritage item with projecting spandrels incorporating planter boxes. The detailed design of the new development should ensure that the new building forms a neutral and recessive backdrop to the heritage item.*

### **Views**

*Views towards Cliffbrook from the public domain are screened by boundary walls to Beach and Battery Streets and hedge planning further to the east along Battery Street. Views towards Cliffbrook are available through the Beach Street gateway, as well as glimpses through trees from the south west, and partial views over the boundary walls from the west and north.*

*The roof of Level 2 of the proposed development will be around 2m higher than the roof of the existing building, while the roof of level 3 will be almost 6m higher than the roof of the existing building. The smaller third level of the proposed development is located to the north east of the heritage item where existing perimeter landscaping precludes views of the heritage item. The second level of the proposed development extends to the north of the heritage item and will block views towards the top floor and roof of Cliffbrook which are currently available over the boundary wall and existing single storey building, through existing landscaping.*

*Views from Cliffbrook itself are generally screened by more recent buildings on the site. In particular its original view towards the ocean has been blocked by the three storey building immediately to the east. The site is around 4 – 6m below the level of Battery Street and the Beach Street corner, blocking views to the north. Perimeter planting to the southern boundary provides a landscaped outlook and privacy screening.*

*While the proposed development as an extensive footprint at ground floor level, the footprint at first second and third floor levels is reduced, potentially opening up available views from Cliffbrook to the east.*

### **Recommendations**

*Heritage conditions should be included in any consent as outlined in the Conditions Attachment to this letter.*

### **Environmental Health**



Council's Environmental Health Officer advice (in italics) is as follows:

### **Food Safety**

*A commercial kitchen is proposed however the details of the fitout have not been provided. Appropriate conditions relating to food safety have been included to ensure compliance with the relevant legislation.*

### **Acoustic Amenity**

*Details of any kitchen plant and equipment have not been provided in the application.*

*The use and the operation of the boarding house accommodation has the potential to create offensive noise and the patrons behaviours is likely to impact on the other users of the boarding house and/or the neighbouring residential properties.*

*The use and operation of the boarding house shall be in accordance with the noise control methods listed in section 7 of the acoustic report prepared by JHA dated 8 May 2017 for the Redevelopment of the UNSW Cliffbrook Campus – 45-51 Beach Street, Coogee. The implementation of the control methods may assist in minimising disturbances and anti-social behaviour.*

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

### **Land Contamination**

*Council needs to ensure that the land is suitable for the proposed development, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, SEPP 55, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999.*

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

*Under the provisions of SEPP 55 contaminated land must be considered and the land made suitable for the intended use prior to the commencement of any works to confirm the ongoing use is permitted and/or any future use may be considered appropriate.*

*A preliminary site investigation undertaken by JBS&G identified the presence of asbestos containing material fragments and asbestos fibres in two portions of the site in the report dated 4 May 2017 (document reference: 51707-104373 (rev2)). An additional contamination assessment was undertaken by JBS&G which identified bonded asbestos in seven of the seventeen soil samples in the letter dated 20 October 2016 (document reference 52166-105704). This letter recommends that the asbestos in impacted soil be managed without disturbance by developing and implementing a site-specific Asbestos Management Plan, and inclusion of the asbestos in soil locations on a site asbestos register.*

*It is requested that the Department clarify the dates of these documents as they do not appear to be in chronological order.*

*Should there be excavation of any of the impacted areas a Remedial Action Plan will be to be developed to guide removal and validation.*

*Appropriate conditions with regards to contamination have been included in this referral.*

### **Environmental Amenity**

*Standard conditions in relation to pollution control have been included in the following referral to ensure compliance with relevant legislation and guidelines.*

### **Recommendation**

*Should the application be approved, it is recommended that the environmental health conditions listed in the Conditions Attachment to this letter below be included.*

### **Development Engineering**

The following development engineering comments (in italics) apply to the proposal:

#### **Internal Walkway**

*The proposal includes an internal walkway linking the development with a reserve at the southern end of Tower Street. This aspect of the development should be deleted.*

#### **Drainage**

*On site stormwater detention is not specifically required for this development unless flows into Council's drainage system exceed 25 litres per second for a 20 year storm event.*

*It should be noted that the submitted drainage plans should not be approved and should be modified to incorporate the requirements of a number of conditions relating to drainage design requirements as provided in the Condition attachment below. The proponent is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.*

*The stormwater must be discharged (by gravity) directly into Council's underground drainage system located within the development site via a new and/or existing pit.*

*The subject site is burdened by a Council controlled stormwater pipeline and an overland flowpath regime. Conditions dealing with the protection of the pipeline, protection of openings and the formalisation of the overland flowpath/s have been included in the relevant condition section below.*

#### **Parking**

*Council notes that the proposed parking provision (37 spaces) is based on calculations provided in Table 5.2 of the Transport and Accessibility Assessment Report submitted with the application. Parking is provided at 1 space per 2 accommodation rooms, 1 space per 2 staff accommodation rooms, 1 space per 2 staff (non-residential) and 1 space for the onsite caretaker.*

*This is considered adequate to meet peak demand however a condition dealing with the better management of staff parking has been included within the conditions section below.*

### **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.*

### **Landscaping**

*A site inspection was performed on 3 August 2017, with the following comments made in relation to the submitted plans and Arborist Report.*

*The group around the vehicle entry/exit off Beach Street, comprising **Trees 1-3 & 5-6**, can be seen from the public domain, so are considered desirable for retention, as has been shown, and will be possible given their distance from the works, with protection fencing needed so as to prevent damage from secondary impacts such as trucks and similar.*

*No objections are raised to the removal **T4 & 7-8 & 11** in this front setback so as to allow for the works in these same areas as shown, as none are significant in anyway.*

*The row of co-joined trees along the length of the northern site boundary, being **T9-10 & 12-24**, were observed to have a presence in the streetscape, providing valuable, partial screening of the UNSW buildings for those private properties on the northern side of Battery Street, with the Arborist Report stating that they can all be retained, subject to compliance with the protection measures that have been imposed. Pruning will also need to be avoided given that they have already been heavily lopped in the past.*

*Retention of the 3 mature Norfolk Island Pines, **T25-27**, to the west of the existing heritage building is strongly supported, and will be possible, providing that the measures included in the Arborist Report are adhered to, and relates to works associated with the new roadways and their finished levels, with relevant conditions provided.*

*While the Arborist Report proposes that the row of small but mature Kentia Palms, **T28-34**, between the northern edge of the heritage building and other building be transplanted to another location within the site, Council will not formally require this given they are not significant in anyway with conditions allowing their removal and replacement with suitable native coastal feature species.*

*No objections are raised to removing the variety of trees and palms from the central area, **T35-52**, which is bounded by the internal loop road and existing 'L' shaped building, due to their direct conflict with the footprint of the new works, with none being overly significant, with consent provided on the basis that suitable replacement is provided in their place as part of the overall landscape scheme. This also applies to **T66**.*

*The row of established trees along the southern site boundary, **T53-65**, provide effective screening between the subject site and adjoining private properties, and can be retained given an absence of any works in this area, with the protection measures recommended by the Arborist Report imposed as conditions in this report.*

*The Arborist Report confirms that the group of mature feature species located in the rear yard of the private property at 10 Battery Street, **T67-75**, can all be retained, subject to relevant protections conditions being imposed, with T76-77*

sited at such a distance from all works that no impact will result, with conditions not needed.

Replacement planting along with hard-landscaping works are shown throughout the site, with conditions requiring that this be fully implemented as part of any approval.

**Gordons Bay Bushland & link-path**

An assessment of flora and fauna at the eastern end of the site by Narla Environmental confirmed that while it may have once supported a transitional community between ESBS (which is recognised as an endangered ecological community) and Coastal Heath, the detailed site survey concluded that this area does not meet the criteria for classification as ESBS, and is more closely aligned with Coastal Headland Banksia Heath, and given the amount of weed infestation and, would not be considered truly remnant.

No flora species of conservation significance listed under the Rare & Threatened Species Conservation Act or the NSW Threatened Species Conservation Act were identified either on or immediately adjacent the site. On this basis, conditions require that the Management Actions in the Biodiversity Management Plan be complied with on-site.

Should the application be approved the conditions as listed in the Conditions Attachment o this letter below shall apply.

I trust that Council's comments will be taken into consideration. Should you have any questions regarding Randwick City's submission, please contact David Ongkili, Co-ordinator Strategic Planning, on 9399 0890.

Yours sincerely



**Kerry Kyriacou**  
**Acting Director – City Planning**



## Conditions Attachment

### Heritage Conditions

#### **European Heritage**

- The detailed design of the new development should ensure that the new building forms a neutral and recessive backdrop to the heritage item.
- A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby heritage elements comprising Cliffbrook house, the sandstone former garage and the sandstone boundary walls.

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

*A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.*

- A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of Cliffbrook house, the sandstone former garage and the sandstone boundary walls.

*The report is to be supported with photographic evidence of the status and condition of the buildings and structures and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works**.*

- The detailed design of the new development should ensure that the new building forms a neutral and recessive backdrop to the heritage item.
- An archival recording of the site shall be undertaken prior to the commencement of the works. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
- Original fabric removed should be labelled and securely stored on site for possible reinstatement at a later date and/or use for interpretation purposes.
- A comprehensive Interpretation Strategy and Plan should be prepared for the site, inclusive of all periods of the site's history. The recommendations of the Interpretative Strategy and Plan are to be implemented in conjunction with the proposed development.

- *A heritage specialist should continue to be involved in the project through to completion to ensure that the conservation policies contained in the Conservation Plan are implemented in conjunction with the development.*

#### **European Archaeology**

- *In order to assess the extent of archaeological relics and inform development planning, the program of targeted historical archaeological testing detailed in the Historical Archaeological Assessment (European Heritage) + Research Design & Excavation Methodology prepared by Mary Dallas Consulting Archaeologists dated May 2017, should be undertaken.*
- *The testing program should be acknowledge NSW Heritage Division best practice and be undertaken in accordance with the research design and excavation methodology presented herein.*
- *On completion of the testing, the results (which are to be documented in an excavation report) should be used to inform detailed project design (including the provision of in-ground services and landscaping) and future management of any identified archaeological resource.*

#### **Aboriginal Archaeology**

- *An Aboriginal Heritage Management Plan (AHMP) is to be prepared as part of construction documentation for the current proposal, detailing recommended archaeological works and how these works are to be undertaken in conjunction with the proposed works.*
- *A copy of the Aboriginal Cultural Heritage Assessment Report prepared by Mary Dallas Consulting Archaeologists dated May 2017, should be provided to the Registered Aboriginal Parties for comment.*
- *On completion of any archaeological monitoring and excavation undertaken in relation to the proposed works, a report is to be produced, and a copy is to be provided to all Registered Aboriginal Parties.*
- *Where archaeological remains are documented during archaeological monitoring or excavation, records are to be submitted to the AHIMS Register.*
- *Where archaeological remains are documented during archaeological monitoring or excavation, some form of onsite interpretation should be developed in consultation with the Registered Aboriginal Parties, and possibly in conjunction with the results of any historical archaeological investigations. Such interpretation is to be carried out in conjunction with the proposed works.*

#### **Environmental Health Conditions**

- *A Construction Management Plan (CMP) must be developed and implemented throughout the construction works at the site, which includes as a minimum the following requirements:-*
  - *Worker personal protective equipment – as a minimum workers shall wear dust masks, eye protection and gloves during all soil works;*
  - *Dust suppression techniques are to be used prior to any soil disturbance occurring;*



- *Exposed soils must not remain uncovered/open for extended periods of time;*
- *Sediment and normal runoff control devices (i.e.: silt fencing) must be provided during soil works in accordance with the conditions of this consent;*
- *Any exposed soil areas not subsequently covered with the associated development are to be capped with clean soil and turf;*
- *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.*
- *All excavated soils must be stockpiled under controlled conditions (i.e. on a plastic sheet and covered with plastic) on site until disposal requirements are determined and carried out;*
- *Location and construction of protective fencing / hoardings to the perimeter of the site;*
- *Details of the location of site storage areas/sheds/equipment;*
- *Details of the location of building materials for construction;*
- *Provisions for public safety;*
- *Location and size of waste containers/bulk bins;*
- *Provisions for temporary stormwater drainage;*
- *Construction noise and vibration management;*
- *A copy of the Construction Site Management Plan and the conditions of development consent must be provided to site workers, owner, builder and the Principal Certifying Authority for the development, to ensure that they are aware of these specific requirements.*

*A copy of the Construction Site Management Plan and details of the classification and disposal of waste materials shall be forwarded to Council, prior to commencement of works.*

- *All soil waste shall be sampled and disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) to determine the waste classification prior to disposal.*
- *Hazardous or intractable wastes arising from the site works and excavation process must be removed and disposed of in accordance with the requirements of Safe Work NSW and the Environment Protection Authority, and with the provisions of:*
  - ☐ *Work Health and Safety Act 2011;*
  - ☐ *Work Health and Safety Regulation 2011;*
  - ☐ *Protection of the Environment Operations Act 1997 (NSW) and*
  - ☐ *NSW EPA Waste Classification Guidelines (2014).*
- *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 and Regulations.*
- *An Environmental Management Plan (EMP) for the ongoing management of the contamination, demolition (if applicable) and construction for site is to be prepared and to include but not limited to an Asbestos Management Plan. A copy submitted is to be submitted to Council prior to commencement of any*

works. The EMP is to be reviewed by a suitably qualified environmental consultant and acoustic consultant to incorporate all recommendations prior to submitting the EMP to Council.

- In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the of the environmental consultant.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the environmental consultant.

- The kitchen is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
- 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.
- An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **prior to the issue of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
- 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.
- 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.

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

- 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.



- *All the noise control methods listed in section 7 of the acoustic report prepared by JHA dated 8 May 2017 for the Redevelopment of the UNSW Cliffbrook Campus – 45-51 Beach Street, Coogee shall be implemented at all times.*
- *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
- *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.*
- *The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.*
- *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
- *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.*

## **Development Engineering**

### **Security Deposit**

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

- \$5000.00 - 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**

2. 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**

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

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

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

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

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

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

### **REQUIREMENTS TO BE INCLUDED IN THE CROWN CONSTRUCTION CERTIFICATE**

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

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

#### **Traffic conditions**

4. 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.
5. 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.

6. The applicant must prepare a Plan of Management for staff parking and staff transport for the development site. The Plan of Management must document strategies for minimising onsite staff parking demand and staff vehicles using the development site. The Plan of Management must be submitted to the Crown Certifier for approval, and be approved prior to the issuing of a crown construction Certificate.

**Design Alignment levels**

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

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

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881/9093-6923.

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

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

The applicant must contact Council to obtain the alignment levels for the reconstructed driveway. These levels will be provided in response to the flood study submitted for this site.

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 enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881/9093-6923.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881/9093-6923.

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$3590.00 calculated at \$57.00 (inclusive of GST) per metre of site frontage

to Beach Street. This amount is to be paid prior to a construction certificate being issued for the development.

10. 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.

#### **Drainage and Flooding**

11. Prior to the issuing of a Crown Construction Certificate the applicant must undertake a detailed analysis of the existing flowpath regime through/surrounding and downstream of the development site and compare that with proposed flowpaths post development. The applicant must provide sufficient documentation/evidence to Council to indicate that the proposed development will not increase the depth of overland flow in areas outside the development site and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the critical 1%AEP (1 in 100 year) storm event.
12. Prior to the issuing of a Crown Construction Certificate the applicant must undertake a detailed analysis of the existing site stormwater drainage system and the proposed stormwater drainage system, (piped and overland flow). The applicant must provide sufficient documentation/evidence to Council that the proposed site stormwater drainage system will not increase the depth of overland flow in areas outside the development site, will not adversely impact on Council's stormwater drainage infrastructure and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the 1%AEP event (1 in 100 year ARI event).
13. Prior to the issuing of a Crown Construction Certificate the applicant must provide full details of any proposed private drainage easements or drainage easements over private land in favour of Council. Council's existing drainage infrastructure located within the development site must be fully protected during the course of the works.
14. Prior to the issuing of a Crown Construction Certificate the applicant must provide full details of the proposed stormwater drainage pipeline and inlet structures draining the overland flow that enters the driveway. The details must fully document the inlet structures and the outlet structure (including energy dissipation).

The design and operation of this pipeline must not adversely impact on properties downstream or adjacent to the development site. The pipeline and inlet structure must remain under the care and control of the applicant. A suitable restriction on the use of land and positive covenant (in favour of Randwick city Council) must be created prior to the issuing of a Crown Completion / Occupation Certificate. The wording for the restriction and positive covenant must be obtained from Council.

15. Prior to the issuing of a Crown Construction Certificate for the site the applicant must submit to Council for approval, and have approved, a flood study which determines the critical 1%AEP (1 in 100 year) flood level for all



areas within the development site. The applicant 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. The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1%AEP (1 in 100 year) flood level or suitably waterproofed up to this same level. The proposed internal driveways (and any other openings into the basement carparks) must be designed with a high point at least 300 mm above the determined 1%AEP (1 in 100 year) flood level. All windows, vents and other openings into the basement carparks must be located at least 500 mm above the determined 1%AEP flood level.

16. The proposed internal roadways, any drainage easements and overland flow routes shall be designed to drain the 1%AEP 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.  $VD < 0.4$ ). The Construction Certificate must document how these requirements are to be met.

All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system. Details must be included in the Crown Construction Certificate to the satisfaction of Council. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. The Crown Construction Certificate plans must demonstrate compliance with this requirement.

17. All new buildings, including building footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water table.

All proposed footings located adjacent to drainage easements 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 Crown Construction Certificate application.

The footings must be inspected by the applicant'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 Crown Certifying Authority prior to proceeding to the subsequent stages of construction.

18. 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 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.

19. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Crown Certifying Authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

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

#### *Internal Drainage*

20. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.



- b) The stormwater must be discharged (by gravity) directly into Council's underground drainage system located within the development site via a new and/or existing pit.
- c) Should stormwater be discharged to Council's drainage system the maximum discharge from the site must not exceed **25L/S** for all storm events up to the 1 in 20 year storm event. All stormwater run-off from the site exceeding this amount is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- c) 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.

- d) 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.

- e) 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.
- f) 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.
- g) 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).

- h) Generally all internal pipelines must be capable of discharging a 5% AEP (1 in 20 year) storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

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



- l) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.

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

21. The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:

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

#### **Waste Management**

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

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

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

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

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

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

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

#### **Construction Traffic Management**

23. 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 Beach Street for the duration of the demolition & construction works.

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

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

24. 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.*

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

#### **Public Utilities**

26. A public utility impact assessment must be carried out on 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 assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
27. 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 Crown Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

#### **Site Seepage & Stormwater**

28. 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**

29. 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**

- 30. 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.
- 31. 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.
- 32. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 33. 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.

- 34. 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.

35. 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.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

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

36. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Remove the existing vehicular crossing and layback at kerb in Beach Street opposite the vehicular entrance to the site.
  - b) Construct a new full width concrete heavy duty vehicular crossing and layback at kerb in Beach Street opposite the vehicular entrance to the premises to Council's specifications and requirements.
  - c) Remove the concrete footpath along the full Battery Street site frontage.
  - d) Construct a new full width concrete footpath along the full Battery Street site frontage.
  - e) Re-construct any damaged sections of kerb and gutter for the full Battery Street site frontage to Council's specifications and requirements.
  - f) Reconstruct the existing drainage pits and lintels in Beach Street on either side of the Beach Street vehicular crossing. All works shall be to Council's specifications and requirements.
37. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.



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

#### **Service Authorities Sydney Water**

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

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

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

#### **Stormwater Drainage**

40. 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.
41. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
42. 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.
43. The applicant shall submit to the Crown Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.

#### **Waste Management**

44. 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. 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**

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

### **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.

### **Bushland**

46. The Certifying Authority/PCA must ensure that all plans submitted for the Construction Certificate application comply with Section 3, Recommended Management Actions, of the Biodiversity Management Plan by Narla Environmental, rev A, dated 03/05/17, with the required measures to be implemented on-site.

### **Tree Protection**

47. The Certifying Authority/PCA must ensure that all plans submitted for the Construction Certificate show the retention of T1-3, 5-6, 9-10, 12-27, 53-65 & 67-77, as taken from the Arboricultural Impact Assessment by the Ents Tree Consultancy, dated 3 May 2017 ('the Arborist Report'), with the extent of their TPZ's & SRZ's to be shown.
48. Section 5.3 – 5.6, Recommendations, of the Arborist Report, must be complied with on-site, and in this regard, the Project Arborist must submit to, and have approved by, the Certifying Authority/PCA, a site specific Tree Protection Plan and Specification that will ensure this.

### **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.

### **Landscaping Plans**

49. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Design Statement by FJMT, parts 1-10, rev A, dated May 2017.

### **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

#### **Bushland Treatment**

50. The applicant will be required to submit to, and have approved by, the Certifying Authority/PCA, a separate suite of plans that deals specifically with the treatment that will actually be provided on-site for the eastern portion of the site, including, but not limited to:

- Landscaping/planting/species selection;
- Location and materials used for access path;
- Changes to existing ground levels;
- Erosion control measures;
- Tree retention & removal.

51. The approved Bushland plan must be fully implemented on-site.

#### **Landscape Plans**

52. The Landscape Design Statement by FJMT, parts 1-10, rev A, dated May 2017 must be developed further to include the following additional requirements, which are to be shown on amended plans;
- a) A Planting Plan & Plant Schedule which includes only those species which will actually be used on-site, including botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the works;
  - b) A predominance of species that can withstand poor quality sandy soils and salt laden winds which are typical of these coastal conditions;
  - c) Any other details that are required in order to fully document the landscape works.

#### **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.

#### **Tree Removal**

53. Approval is granted for removal of the following trees so as to accommodate the works in these same areas as shown:

**T4, 7, 8, 11, 28-52 & 66**, as listed in the Arboricultural Impact Assessment by the Ents Tree Consultancy, dated 3 May 2017.



54. Requests for the removal (or pruning) of any other trees not contained in these conditions will be subject to separate application and approval from Council.

#### **Pruning**

55. Where pruning of retained trees is needed, only so as to avoid damage to the trees; or; interference with the approved works, consent is granted for this, providing it is minimal and selective, only be performed by the appointed Project Arborist 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).
56. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

#### **Landscaping**

57. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Design Statement by FJMT, parts 1-10, rev A, dated May 2017, and any other relevant conditions of consent.
58. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

#### **Site Arborist Certification**

59. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the PCA, written certification which confirms compliance with the conditions of consent and Arborist Report Recommendations; the dates of attendance and works performed/supervised relating to retention of the trees listed in the Tree Protection condition.

#### **Bushland Certification**

60. Prior to issuing any type of Occupation Certificate, certification from a qualified ecologist or similar, must be submitted to, and be approved by, the PCA, confirming the date that the completed works were inspected, and that it was undertaken substantially in accordance with Section 3, Recommended Management Actions, of the Biodiversity Management Plan by Narla Environmental, rev A, dated 03/05/17.

#### **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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