

Our Ref: - D02469961 - F2010/ 00286
Contact Officer: Elias Coorey - 9399 0524

16 October 2015

Regional Assessments- Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001

Attention: Natasha Harras

Dear Natasha,

Subject: Notification section 75W modification request to Project Approval at Royal Randwick Racecourse (MP 10_0098 MOD 1)

Council refers to your email correspondence received 21 September 2015 inviting Council to make a submission on the project including advice on recommended conditions of approval by Friday 2 October 2015, for the purposes of the subject application.

Council would like to provide the following comments/conditions for consideration of the proposed Section 75W Modification Request to Stables Project Approval MP 10_0098:

Appendix C – The Proposed Construction Staging Plan

This Plan primarily details the proposed 3 stages of construction work for which approval is sought under the Section 75W modification request. Specifically, **Stage 3 – Equine Stables and Associated Buildings** is divided into three areas with each area designated a distinct colour. This colour coding suggests a further sub-staging within Stage 3 which is not explained in the request and, therefore, is unclear, resulting in consequences for the function/effectiveness of a number of conditions that are proposed to be reworded as part of the subject modification. In particular the repeated use of the words "prior to ... Stage 2 or subsequent stages of the proposed development" in a number of modified conditions in **Appendix D – Schedule of Amended Conditions** lacks clarity having regard to these colour coded areas of Stage 3 (as detailed further in the assessment below).

The subject modification also includes a designated area coloured orange with the caption:

TFNSW scope of works

- Gate relocation
- Ramp to grade to connect into hardstand

Apart from the driveway, these TFNSW works are located outside the Stables boundary with no designated time-frame as to how it fits into the overall staging plan. Clarity should be further provided as to the nature and timing of the TFNSW scope of works as these relate to the overall Stables staging plan. It appears that the driveway is intended to be constructed prior to Stage 1 works. No objections are raised to this arrangement provided the proposed Stage 1 Construction Zone is confined to its designated blue zone. Additionally, Wansey Road is shown with details of the currently approved road reserve containing traffic and parking lanes and shared cycle-ways. It would be more appropriate to show the CSELR configurations for Wansey Road and how these match the proposed driveway works. It is noted that, at the time of writing this letter, Transport for NSW (TfNSW) has still not finalised the proposed layout of the Light Rail alignment. It is also noted that, as the proposed Light Rail alignment will likely shift the driveway westerly, there will be a need to either increase the gradient of the proposed ramp/road or a need to shift the ramp/road westerly. It is imperative that the gradient of the ramp on approach to the pathway system in Wansey Road meet the requirements of the relevant Australian Standard, to ensure that drivers' view of all categories of pedestrians is maintained.

Conclusion

The proposed Section 75W Modification Request to the Stables Project Approval, in general, is considered reasonable and acceptable subject to further consideration of Randwick Council's recommended changes referred to above and listed below as comments to the proposed modification of certain conditions. These modifications largely relate to the need to address concerns regarding the exact timing and staging of works for Stages 2 and 3 of the proposal. Specifically, no objections are raised to the introduction of early stage works being Stage 1 to precede the remainder of the proposed Stable works. **However, the proposed modification to provide for various matters in the conditions of approval to be delivered at appropriate relevant stages of the proposed three phases (using the qualifier "or") should be further modified as recommended in Council's comments above and in the table below.**



.....

Roger Quinton
Acting Manager Development Assessments

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition								
SCHEDULE 2										
Part A – Administrative Conditions										
A1 Development Description	No implications on the staging of construction.	No change proposed.								
A2 Development in accordance with plans and documents	This request includes the addition of a 'Construction Staging Plan' in the approved drawings and documents.	Insert the following as an approved drawings: <table><tr><th>Drawing No.</th><th>Revision</th><th>Name of Plan</th><th>Date</th></tr><tr><td>SK-003</td><td>A</td><td>Constructi on Staging Diagram</td><td>03/09/2015</td></tr></table>	Drawing No.	Revision	Name of Plan	Date	SK-003	A	Constructi on Staging Diagram	03/09/2015
Drawing No.	Revision	Name of Plan	Date							
SK-003	A	Constructi on Staging Diagram	03/09/2015							
New Condition A2A Development in accordance with staging plan	This request includes the provision of a 'Construction Staging Plan'.	Insert the following as a new condition of approval: "A2A Development in accordance with staging plan The development is to be undertaken generally in accordance with the stages as shown on the Construction Staging Plan submitted with the modification request (MP10_0098 MOD 1), and any reference in this approval to any Stage is a reference to the relevant stage as shown on this plan."								
Council comment:										
Clarification of the works encompassed within the proposed stages is considered necessary.										
A3 Compliance with the Building Code of Australia	No implications on the staging of construction.	No change proposed.								
A4 WorkCover and DECC Requirements	No implications on the staging of construction.	No change proposed.								
A5 Development Expenses	No implications on the staging of construction.	No change proposed.								
A6 NSW Police Requirements	No implications on the staging of construction.	No change proposed.								
A7 Mediation	No implications on the staging of construction.	No change proposed.								
A8 Approval Time Limit	No implications on the staging of construction.	No change proposed.								
Part B – Prior to the Certification of Building Work										
B1 Building Work	No implications on the staging of construction.	No change proposed.								
B2 Long Service Levy	Condition B2 requires the Long Service Levy Payment to be made prior to the issuing of a Construction Certificate. This condition should be paid at pro-rata rate for each stage of the proposed construction works	Revise the relevant portion of Condition B2 to read: "B2 Long Service Levy The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a the relevant Construction Certificate for the applicable stage of the project, in accordance with Section 109F of the Environmental 'Planning & Assessment Act 1979.								

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
		At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works for that relevant stage."
Council comment: See comments made under condition B5.		
B3 Acoustic Report	This condition shall apply to Stage 3 of the Project Approval.	Revise the relevant portion of Condition B3 to read: "B3 Acoustic Report A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to a the relevant construction certificate being issued for Stage 3 of the development..."
B4 Water and Cooling Systems	This condition shall apply to Stage 3 of the Project Approval.	Revise the relevant portion of Condition B4 to read: "Details of compliance must be provided with the relevant construction certificate application for Stage 3 of the development. Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water."
B5 Developer Contributions	Condition B5 requires the 50% of the total monetary levy payable to be made prior to the issuing of a Construction Certificate, with a bank guarantee for the remaining 50% to be provided to Council prior to a Construction Certificate being issued. This condition should be paid at pro-rata rate for each stage of the proposed construction works. It is proposed that 10% of the total monetary levy is payable prior to the issue of a Construction Certificate for Stage 1, and 40% of the total monetary levy payable prior to the issue of a Construction Certificate for Stage 2.	Revise the relevant portion of Condition B5 to read: "Prior to the issuing of a construction certificate a revised report, prepared at the applicant's cost shall be submitted to Council setting out an estimate of the proposed cost of carrying out the relevant stage of the development for the purposes of clause 25J of the Environmental Planning & Assessment Regulation in order to determine the amount of the monetary levy payable. Fifty (50) Ten (10) percent of the total levy must be paid prior to a the construction certificate being issued Stage 1 of the for the proposed development. Forty (40) percent of the total levy must be paid prior to the relevant construction certificate being issued for Stage 2 of the development. A bank guarantee for the remaining fifty (50) percent of the levy must also be provided to Council prior to a the relevant construction certificate being issued. The remaining fifty (50) percent of the levy must then be paid in full to Council within two years of the date of issuing of the construction certificate or prior to the

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
		issuing of an the relevant occupation certificate (whichever occurs first)."
Council comment: Condition B5 is proposed to be modified to allow for developer contributions to be paid at pro-rata rate for each of the proposed stages of construction works. The payment of 10% of the levy prior to issue of construction certificate for Stage 1 works and 40% prior to issue of construction certificate for Stage 2 works is considered reasonable. However, the proposed provision of a bank guarantee for the remaining 50% of the levy "prior to the relevant construction certificate being issued" is considered unacceptable as this modification does not provide certainty as to what "the relevant" construction certificate means particularly in relation to the undefined colour coded scheme of Stage 3 shown in Appendix C – The Proposed Construction Staging Plan as described above. It is recommended that the relevant portion of condition B5 be reworded to: "A bank guarantee for the remaining 50% of the levy must also be provided to Council prior to any Stage 3 construction certificate being issued." If this rewording is accepted, the other proposed changes to Condition B5 are acceptable.		
B6 Roads and Traffic Authority Requirements	The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B6 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042. It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.	Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B6 to read: "Certified copies of civil design plans for the works on the intersection of Alison Road/Wansey Road/Prince Street shall be submitted to the RTA for consideration and approval prior to the issue release of any a relevant Construction Certificate for Stage 3 of the proposed development.... A demolition and Construction Traffic Plan detailing construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control shall be submitted to Randwick City Council prior to issue of a the relevant construction certificate for Stage 3 of the proposed development."
The proposed modification of this condition is as follows: B6 Roads and Traffic Authority Requirements <i>The Alison Road and Wansey Road intersection shall be reconfigured to incorporate a right turn bay on Alison Road northwest approach for vehicles turning right into Wansey Road. Reconfiguration works are likely to involve provision of the right turn bay within the existing carriageway (i.e., existing pavement) or require removal of existing on-street parking. The length of the right turn bay shall be based on geometric requirements specified in the RTA's Road Design guide and traffic modelling of the intersection during AM and PM peak periods. The traffic modelling shall consider future traffic generated at the intersection.</i> <i>Certified copies of civil design plans for the works on the intersection of Alison Road/Wansey Road/Prince Street shall be submitted to the RTA for consideration and approval</i>		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
<i>prior to the issue release of any Construction Certificate for Stage 3 of the proposed development. The civil design plans shall be designed in accordance with RTA's Road Design Guide, the RTA's and other Australian Codes of Practice and endorsed by a suitably qualified chartered Engineer (i.e., who is registered with the Institute of Engineers, Australia).</i> <i>The proponent shall enter into a minor Work Authorisation Deed (WAD) for the civil works to reconfigure the Alison Road and Wansey Road intersection. The WAD shall be executed prior to the RTA's assessment of the detailed civil design plans for the reconfiguration works. Community consultation for the required reconfiguration works for the intersection of Alison Road/Wansey Road/Prince Street shall be undertaken by the developer to the satisfaction of Randwick City Council.</i> <i>A demolition and Construction Traffic Plan detailing construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control shall be submitted to Randwick City Council prior to issue of a the relevant construction certificate for Stage 3 of the proposed development."</i> <i>All works associated with the proposed development shall be at no cost to the RTA.</i> Council comment: Timing and clarity: <i>This condition requires details to be provided prior to the issue of any Construction certificate and not prior to the issue of an occupation certification for stage 3 of the development. Notwithstanding, the applicant seeks an amendment that is consistent with the requirement prior to a construction certificate. At the same time there is a concern with the requirement being subject to an unknown construction certificate stage associated with Stage 3 works.</i>		
B7 Wansey Road Accessway	The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B7 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042. It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.	Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B7 to read: "Certified detailed civil design plan of the entry/exit point of proposed new Stables, including proposed traffic control devices and regulatory signage on Wansey Road, must be provided to Randwick City Council for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services prior to issue of a the relevant construction certificate for Stage 3 of the proposed development."
Condition as sought to be amended: B7 Wansey Road Accessway The Wansey Road driveway access point to the development must be restricted to "LEFT TURN ONLY - VEHICLES UNDER 6M EXCEPTED". Traffic islands and RTA approved regulatory signage, preventing larger type vehicles from turning right out of the site and turning left into the site, must be provided centrally on Wansey Road, opposite the vehicular entrance. The Wansey Road access driveway is to be designed as a driveway and not a road. To maximise protection for pedestrians and cyclist, the access point is to include "STOP" control treatment (pavement marking and regulatory signs) within the property boundary for vehicles exiting the development.		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
Certified detailed civil design plan of the entry/exit point of proposed new Stables, including proposed traffic control devices and regulatory signage on Wansey Road, must be provided to Randwick City Council for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services prior to issue of a-the relevant construction certificate for Stage 3 of the proposed development." The detailed design must also include an autoTURN simulation of the largest possible vehicle likely to access the development entering and leaving the development in a forward direction. All works associated with the restrictions should be fully funded by the applicant at no cost to Council or the RTA. Comment: It is acknowledged that should the footpath / cycleway works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant. It is noted that, at the time of writing this letter, Transport for NSW (TfNSW) has still not finalised the proposed layout of the Light Rail alignment. It is also noted that, as the proposed Light Rail alignment will likely shift the driveway westerly, there will be a need to either increase the gradient of the proposed ramp/road or a need to shift the ramp/road westerly. It is imperative that the gradient of the ramp on approach to the pathway system in Wansey Road meet the requirements of the relevant Australian Standard, to ensure that drivers' view of all categories of pedestrians is maintained.		
B8 Wansey Road and Alison Road Pedestrian Safety	The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B8 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042. It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.	Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B8 to read: "The applicant shall liaise with Randwick City Council's Manager Integrated Transport to obtain Council's design Certified detailed civil design plans, prepared in accordance with the RTA's Road Design Guide, RTA's technical direction 2002/10 Pedestrian Refuges and Council specifications, shall be submitted to Randwick City Council for consideration and approval by the Randwick Traffic Committee, and to the satisfaction of Council's Director City Services, prior to issue of a-the relevant construction certificate."
Condition as sought to be amended: B8 Wansey Road and Alison Road Pedestrian Safety In view of the expected increase of traffic at the intersection of Alison Road and Wansey Road, the Wansey Road approach at this intersection must be redesigned and reconstructed in the interest of improving traffic and pedestrian safety. Redesign and reconstruction works are likely to include alterations to the approach alignment (throttling the mouth of the intersection and adjusting the junction so it meets Alison Road at right angles) and the provision of a pedestrian refuge traffic island at the intersection. Additionally, the lane assignment of the Wansey Road approach to Alison Road should be two lanes for the vehicles to egress Wansey Road into Alison Road (left lane to be pavement marked left turn arrow and right lane to be pavement marked with right/ through arrow) and one lane for vehicles to access Wansey Road from Alison Road. The applicant shall liaise with Randwick City Council's Manager Integrated Transport to obtain Council's design Certified detailed civil design plans, prepared in accordance with		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
the RTA's Road Design Guide, RTA's technical direction 2002/10 Pedestrian Refuges and Council specifications, shall be submitted to Randwick City Council for consideration and approval by the Randwick Traffic Committee, and to the satisfaction of Council's Director City Services, prior to issue of a the relevant construction certificate. The detailed design should include autoTURN simulations of the largest possible vehicle likely to access/ egress Wansey Road from/to Alison Road. All works associated with the redesign and reconstruction must be fully funded by the applicant at no cost to Randwick City Council or the RTA.		
Comment: Consideration would be for traffic control at the gate exit in Wansey Road to manage the conflict between pedestrians/cyclists and entering / egressing construction vehicles. However, it is unclear if this would be under the control of Transport for NSW with the CSELR works or the ATC, but it would be good to reinforce. (It should be noted that as part of the Light Rail works it is proposed that the Alison / Wansey Rd / Prince St intersection will be fully signalised with associated pedestrian facilities)		
B9 Wansey Road Pedestrian Refuge	The works referred to in this condition shall be required prior to the issue of an Occupation Certificate for Stage 3 of the development. The requirements under Condition B9 are not proposed to be removed, simply deferred on the basis of the required CSELR works in SSI 6042. It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.	Relocate this condition to Part E – Prior to Operations. Revise the relevant portion of Condition B9 to read: "The pedestrian refuge is to be designed in accordance with the RTA's technical direction 2002/10 Pedestrian Refuges. Certified copies of the civil design plans shall be submitted to Randwick City Council, for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services, prior to issue of a the relevant construction certificate for Stage 3 of the proposed development."
Condition as sought to be amended: B9 Wansey Road Pedestrian Refuge As staff of the new Stables Precinct will primarily access the Royal Randwick Shopping Centre and the Belmore Road Shopping Precinct via Arthur Street, and to improve pedestrian safety along this pedestrian desire line, a pedestrian refuge island must be constructed in Wansey Road, just north of Arthur Street. The pedestrian refuge islands must also be designed to perform the function of a traffic calming device (featuring kerb build-outs and 3.0m wide traffic lanes), aimed at further discouraging larger vehicles from travelling on Wansey Road, south of the development's driveway access. The pedestrian refuge is to be designed in accordance with the RTA's technical direction 2002/10 Pedestrian Refuges. Certified copies of the civil design plans shall be submitted to Randwick City Council, for referral to, and approval by, the Randwick Traffic Committee, to the satisfaction of Council's Director City Services, prior to issue of a the relevant construction certificate for Stage 3 of the proposed development.. All works associated with the design and construction of a pedestrian refuge at this location must be fully funded by the applicant at no cost to Randwick City Council or the RTA. Comment: It is acknowledged that should the road works required on Wansey Road and Alison Road as part of SSI 6042 be completed prior to the issue of an Occupation Certificate for this development, this condition will become redundant.		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
B10 Bicycle Parking	Condition B10 relates to Stage 3 works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	Revise the relevant portion of Condition B10 to read: "Design details shall be submitted to Randwick City Council for approval prior to issue of a-the relevant construction certificate for Stage 3 of the proposed development. "
Condition as sought to be amended:		
B10 Bicycle Parking		
Twenty (20) bicycle parking spaces must be provided within the proposed development. The bicycle parking facilities must be secured with the inclusion of end of trip facilities (showers, lockers and changing facilities). The bicycle facilities are to be designed and installed in accordance with AS 2890.3 – Bicycle Parking Facilities (1993) and current best practice guides/ standards. Design details shall be submitted to Randwick City Council for approval prior to issue of a the relevant construction certificate for Stage 3 of the proposed development.		
All works associated with the design and construction of a pedestrian refuge at this location must be fully funded by the applicant at no cost to Randwick City Council or the RTA.		
Comment: Given that this condition now relates to Stage 3 of the proposed development it is recommended that the relevant part of the condition be modified to read "Design details shall be submitted to Randwick City Council for approval prior to the issue of any construction certificate for Stage 3 of the proposed development."		
B11 Wansey Road Vehicle Load Limit	No implications on the staging of construction.	No change proposed.
B12 Mechanical Ventilation	No implications on the staging of construction.	No change proposed.
B13 Disabled Access	Condition B13 relates to Stage 3 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	Revise the relevant portion of Condition B13 to read: "B13 Disabled Access Access and facilities for people with disabilities must be provided to new buildings and new building work, in accordance with the relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the relevant Construction Certificate application for Stage 3 of the proposed development."
B13 Disabled Access		
Access and facilities for people with disabilities must be provided to new buildings and new building work, in accordance with the relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.		
B14 Sydney Water – Notice of Requirements	This condition must be satisfied prior to significant excavation and as such it is proposed to defer this condition prior to the issue of a Construction Certificate for Stage 2.	Revise the relevant portion of Condition B14 to read: "An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to certification of any building works for Stage 2 or subsequent stages of the development. "

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
Comment: Sydney Water should be consulted to ascertain their acceptance of the timing of the Section 73 compliance certificate.		
B15 Outdoor Lighting	No implications on the staging of construction.	No change proposed.
B16 Civil Works	This will be required to be complied with prior to the first Construction Certificate being issued. No implications on the staging of construction.	No change proposed.
B17 Service Authority Issues	Condition B17 relates to Stage 2 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	Revise the relevant portion of Condition B17 to read: "B17 Service Authority Issues Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a the relevant construction certificate being issued for Stage 2 or any subsequent stages of the development. Any electricity substation required for the site as a consequence of this development shall be located within a residential site, (i.e. not in any road reserve or recreational area), and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the relevant Construction Certificate to determine whether or not an electricity substation is required for the development."
Comment: Condition B17 – in general terms the applicant proposes that this condition be satisfied "prior to the relevant construction certificate being issued for Stage 2 or any subsequent stages of the development." Particular reference is made to timing for liaising with Energy Australia (now Ausgrid). While the applicant's intention is to allow for the service authorities requirements to be satisfied at the relevant stage of works, the proposed modification may have the effect of allowing the submission of the required documents to be deferred to the last construction certificate for the works. This would be contrary to the original intention of having the service authorities requirements satisfied prior to the issuing of any construction certificate. In this context, leaving the submission of the documents to the last construction certificate would be too late. The original condition required the information to be prepared and approved prior to the issuing of any Construction Certificate, so, if the subject Section 75W modification is granted, it would seem reasonable for the service authorities requirements to be satisfied prior to the issuing of the Stage 2 Construction Certificate and no later.		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
B18 Drainage and associated infrastructure	Condition B18 relates to Stage 2 and subsequent stages of works and as such it is appropriate to amend the condition so that it is required prior to the issue of the relevant Construction Certificate.	Revise the relevant portion of Condition B18 to read: "The plans submitted for any Construction Certificate for Stage 2 and/or subsequent stages shall demonstrate compliance with this requirement and must be certified by the applicant's drainage consultant."
Condition as proposed to be amended: B18 Drainage and associated infrastructure The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1 in 100 year flood level or suitably waterproofed up to this same level. Similarly any basement level must be protected from stormwater inundation to a minimum height of 500mm above the calculated 1 in 100 year flood level. The plans submitted for any Construction Certificate shall demonstrate compliance with this requirement and must be certified by the applicant's drainage consultant. All windows, vents and other openings into the basement areas must be located at least 500 mm above the determined 1 in 100 year flood level. The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement. The level of any open carspace shall be a minimum of 150mm above the calculated 1 in 100 year flood level. The Construction Certificate Application shall demonstrate compliance with this requirement. The proposed internal roadways, drainage easements and overland flow routes through/around the development site shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e. $VD < 0.4$). The Construction Certificate must document how these requirements are to be met. All structural walls on the ground floor level shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate. It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.		
Comment:		
Condition B18 – the requirements of B18 need to be fully considered prior to issuing the construction certificate for Stage 2 and no later. The relevant sections of B18 should be modified to read "The plans submitted for any Construction Certificate for Stage 2 shall demonstrate compliance with this requirement and must be certified by the applicant's drainage consultant."		
B19 Waste management	Condition B19 relates to various stages of works and as such it is appropriate to amend the condition so that this detail is required as relevant to the specific stage of the development.	Revise the relevant portion of Condition B19 to read: "B19 Waste management"

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
		Prior to the issuing of a the relevant construction certificate the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site. The plan shall detail the type and quantity of waste to be generated by the that stage of the development ; demolition waste; construction waste; materials to be reused or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste."
Council comment: Condition B19A staged approach for waste management should be satisfactory.		
B20 Landscape and tree management	This condition shall apply to Stage 3 of the Project Approval.	Revise the relevant portion of Condition B20 to read: "Prior to the issue of a Construction Certificate for Stage 3 of the development , the Concept Plan must be developed further into more detailed landscape plans and specifications, which must be submitted to, and be approved by, the Certifying Authority, and will need to comply with the following..."
Council comments: Condition B20 – the proposed amendment is generally satisfactory however the modification appears to indicate that there will be further staging of Stage 3 works. It is recommended that the relevant portion of Condition B20 be modified to read "Prior to lodging any Construction Certificate for Stage 3 of the development"		
B21 Drainage Works	Significant drainage works are only required from Stage 2 of the proposed development. As such this condition is to be amended to defer these requirements prior to lodging a Construction Certificate for Stage 2 works.	Revise the relevant portion of Condition B21 to read: "Prior to lodging a Construction Certificate for Stage 2 or subsequent stages of the development , the applicant must undertake a detailed investigation and survey of all Council owned/controlled stormwater infrastructure within the Stables Precinct. The proposed development must either be suitably designed so as to allow free and unimpeded access to Council's existing drainage infrastructure or alternatively the pipelines must be relocated /reconstructed clear of any structures. All relocated / reconstructed drainage pipelines/culverts must be designed to discharge stormwater flows generated by the critical 1 in 20 year ARI storm event. Full design details must be submitted to Council for approval, and be approved, prior to lodgement of the relevant Construction Certificate.

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
		Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for the proposed residential developments, (i.e. excluding roads and reserves to be dedicated to Council), shall be submitted to and approved by the certifying authority prior to a the relevant construction certificate being issued. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a the relevant construction certificate being issued, if the Council is not the certifying authority.... The relevant Construction Certificate application must demonstrate compliance with this requirement. Compliance with this condition is likely to require the applicant to either construct a new onsite stormwater detention system or to modify the existing onsite stormwater detention systems. Full details of the proposed onsite stormwater detention system must be forwarded to Council, (should Council not be the Certifying Authority) prior to the issuing of a the relevant Construction Certificate for Stage 2 and subsequent stages of the proposed development."
Council comments: Condition B21 - in general terms the applicant proposes that this condition be satisfied "prior to the relevant construction certificate being issued for Stage 2 or any subsequent stages of the development." The requirements of B21 need to be fully considered prior to issuing the construction certificate for Stage 2 and no later. B22 Heritage	Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development.	Revise the relevant portion of Condition B22 to read: "Prior to a the relevant construction certificate being issued for Stage 2 or subsequent stages of the development."
Council comment: Condition B22 Heritage Condition B22 requires the preparation of a number of heritage plans and assessments. Condition B22 is proposed to be modified by requiring the preparation of these plans and assessments "prior to the relevant construction certificate being issued for Stage 2 or subsequent stages of the development." As with Condition B5 above, it is unclear as to what "the relevant" construction certificate means particularly in relation to the undefined colour coded scheme of Stage 3 shown in Appendix C – The Proposed Construction Staging Plan. While the applicant's intention is to allow for the preparation of the plans and assessments to be timed with the construction certification of relevant stages, the proposed modification may have the effect of allowing the preparation of these documents to be deferred to the construction certification of the final stage of works which would be too late. It is recommended that the preparation of all the required heritage plans and assessments to be undertaken prior to the construction certificate being issued for Stage 2 of the development and no later.		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
B23 Aquifer Recharge	No implications on the staging of construction.	No change proposed.
Part C – Prior to construction		
C1 Construction Site Management Plan	No implications on the staging of construction.	No change proposed.
C2 Notice to be Given Prior to Construction	No implications on the staging of construction.	No change proposed.
C3 Notice to be Given Prior to Commencement/Excavation	No implications on the staging of construction.	No change proposed.
C4 Demolition Work Plan for hazardous materials	No implications on the staging of construction.	No change proposed.
C5 Sydney Water services	No implications on the staging of construction.	No change proposed.
C6 Waste Control	No implications on the staging of construction.	No change proposed.
C7 Heritage Item Management	Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development. It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage and archaeological impact, it merely seeks to align this work with the relevant stage of the development.	Revise the relevant portion of Condition C7 to read: “The Proponent shall prepare a Non-Indigenous Heritage Management Plan for the approval of the consent authority as a supplement to the Construction Environmental Management Plan prior to the commencement of Stage 2 or subsequent stages of works. That document shall include details of all procedures to be implemented during the works to manage impacts to non-Indigenous heritage items and non-indigenous archaeology. A specialist heritage manager or heritage consultant shall be nominated for the relevant works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of this consultant shall be submitted to the consent authority for approval prior to commencement of Stage 2 or subsequent stage works. The heritage consultant shall advise on the detail design resolution of new works, undertake on site heritage inductions, and shall inspect new works, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval for the Project. All construction contractors, subcontractors and personnel are to be conducted and informed by the nominated heritage consultant prior to commencing the relevant work on site as to their obligations and requirements in relation to historical archaeological sites and ‘relics’ in accordance

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
		with guidelines issued by the Heritage Council of NSW... Photographic and archival recording of all buildings, structures, landscape elements area areas identified as having moderate, high or exceptional significance, as identified in the specialist reports prepared as part of the Environmental Assessments for the project, is to be undertaken prior to the commencement of any construction activity."
Council comment:		
Condition C7 Heritage Item Management		
Condition C7 is proposed to be modified by requiring the preparation of a Non-indigenous Heritage Management Plan (HMP) for the Consent Authority's approval prior to the commencement of "Stage 2 or subsequent stage works". The applicant's justification, in part, is that existing heritage items are located at a distance from the proposed Stage 1 works so that the submission of the Plan can be deferred to Stage 2 or subsequent stages of works. The applicant should note that apart from specific heritage items, there are landscape elements that have heritage significance and are identified in the Randwick DCP 2013 (Part E3 Royal Randwick Racecourse). These comprise trees of exceptional as well as high significance identified in Map 4 - Relative Significance of Landscape Elements and Map 5 - Landscape Character of the DCP. The proposed Stage 1 Works are acknowledged as minor and are confined to an area that will not affect any heritage item and/or heritage landscape elements. As such, the deferment of the preparation of the HMP to Stage 2 works is reasonable but not to any other subsequent stages of work because leaving it to any later stages potentially increases the risk of no management plan being in place to address any potential impacts on the heritage items and heritage landscape elements during works. In other words, leaving the submission of the plan to the later or last stage of works would not provide adequate head time to have a HMP in place to deal with any eventualities. As such, the preparation of the Heritage Management Plan should be required at the commencement of Stage 2 works and not at any other subsequent stages. Additionally, as part of this condition, the submission of details about the name and experience of the specialist heritage consultants for the works must be fixed at Stage 2 and no later.		
C8 European Archaeological Heritage Management	Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development. It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage and archaeological impact, it merely seeks to align this work with the relevant stage of the development.	Revise the relevant portion of Condition C8 to read: "The Proponent shall submit a baseline European (Non-Indigenous) Archaeological Assessment and Archaeological Management Plan for the approval of the consent authority as a supplement to the Construction Environmental Management Plan prior to the commencement of Stage 2 or subsequent stages of works... All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated Archaeologist prior to commencing relevant work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW."
Council comment:		

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
Condition C8 European Archaeological Heritage Management		
Condition C8 is proposed to be modified by requiring the submission of European (Non-indigenous) Archaeological Assessment and Archaeological Management Plan for Consent Authority approval "prior to the commencement of Stage 2 or subsequent stage works ". While the applicant's intention is to allow for the submission of these documents at the relevant stage of works that the Plan is required, the proposed modification may have the effect of allowing the submission of these documents to be deferred to the last stage of works. This would be contrary to the original intention of having a Plan ready and approved prior to any works commencing. In this context, leaving the submission of the plan to the last stage of works would be too late. The original condition required the Assessment and Plan to be prepared prior to the commencement of any works, so, if the subject Section 75W modification is granted, it would seem reasonable to requiring submission at Stage 2 and no later.		
C9 Aboriginal Heritage Management	No implications on the staging of construction.	No change proposed.
C10 Heritage Interpretation Strategy	Due to the minor works proposed in Stage 1, the location of the works from existing heritage items (not within an area of significance), and lack of excavation, it is proposed that this condition is deferred to Stage 2 of the development. It is to be noted that this Modification Application does not seek to ignore or removal any obligations with regards to heritage interpretation, it merely seeks to align this work with the relevant stage of the development.	Revise Condition C10 to read: "An Interpretation Strategy will be prepared in accordance with Heritage Council guidelines prior to the commencement of Stage 2 or subsequent stage works for approval by the consent authority. In particular this will outline how heritage significance to be lost will be interpreted within the site."
Council comment:		
Condition C10 Heritage Interpretation Study		
Condition C10 is proposed to be modified by requiring the preparation of a Heritage Interpretation Study (HIS) prior to the commencement of Stage 2 or subsequent stage works . While the applicant's intention is to allow for the preparation of the Study at the relevant stage of works that the Study is required, the proposed modification may also have the effect of allowing the HIS preparation to be deferred to the last stage of works. This would be contrary to the original intention of having a HIS ready for use in the event that heritage significance (of not just buildings but also landscape elements and settings) becomes lost and a strategy for interpretation within the site is needed. The original condition required the HIS to be prepared prior to the commencement of any works, so, if the subject Section 75W modification is granted, it would be reasonable to defer the preparation of the HIS until Stage 2 but no later.		
C11 State Transit Authority Requirements	No implications on the staging of construction.	No change proposed.
C12 RTA requirement - Alison and Wansey Road Intersection reconfiguration	This condition will only apply should the road reconfiguration works as part of MP10_0098 be required prior to the issue of an Occupation Certificate.	Revise the relevant portion of Condition C12 to read: "The RTA fees for administration, plan checking, civil works inspection and project management for required reconfiguration of the Alison Road and Wansey Road intersection shall be paid by the proponent prior to the commencement of the relevant works ."
C13 Demolition	No implications on the staging of construction.	No change proposed.
C14 Contamination	This condition requires additional investigation to be	Revise the relevant portion of Condition C14 to read:

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
	undertaken prior to above-ground works to ensure that the site is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons. As the proposed Stage 1 works are for a construction platform only, does not involve excavation works, or a permanent land use, this condition is proposed to be deferred to Stage 2 of the development.	"Prior to above-ground Stage 2 or subsequent stages of works commencing for the development, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site."
Council comments: For the reasons outlined in the various parts of this letter relating to the need for certainty and reiterated in the concluding remarks it is recommended that the condition shall read at the beginning of the condition as follows: C14 Contamination Prior to works commencing for the development in stage 2 or subsequent stages of works commencing for the development.		
C15 Works within road reserve/public place	No implications on the staging of construction.	No change proposed.
C16 Tree management	This will be complied with prior to the commencement of Stage 1 works. No implications on the staging of construction.	No change proposed.
Part D – During Construction		
D1 Ecological Sustainable Development	No implications on the staging of construction.	No change proposed.
D2 Protection of adjoining premises	No implications on the staging of construction.	No change proposed.
D3 Hours of Work	No implications on the staging of construction.	No change proposed.
D4 Public Health and Safety	No implications on the staging of construction.	No change proposed.
D5 WorkCover	No implications on the staging of construction.	No change proposed.
D6 Site Notice	No implications on the staging of construction.	No change proposed.
D7 Excavation	No implications on the staging of construction.	No change proposed.
D8 Noise Control	No implications on the staging of construction.	No change proposed.
D9 Standards and Codes	No implications on the staging of construction.	No change proposed.
D10 Work Cover Requirements	No implications on the staging of construction.	No change proposed.
D11 Footpath protection	No implications on the staging of construction.	No change proposed.
D12 Service authority Issues	No implications on the staging of construction.	No change proposed.
D13 Tree Management Issues	No implications on the staging of construction.	No change proposed.
D14 NSW Office of Water Requirements - Groundwater	No implications on the staging of construction.	No change proposed.

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
D15 Tanking and waterproofing issues	No implications on the staging of construction.	No change proposed.
Part E – Prior to operations		
E1 Occupation Certificate	No implications on the staging of construction.	No change proposed.
E2 Alison Road and Wansey Road Intersection Reconfiguration	This condition shall apply, or otherwise as satisfied by the completion of all road works in accordance with SSI 6042.	Amend Condition E2 to read: “The required reconfiguration works for the Alison Road and Wansey Road intersection (or otherwise delivered to the satisfaction of the consent authority) shall be fully constructed and operational prior to the release of the Occupation Certificate.”
Comment: No objections		
E3 Fire Safety	No implications on the staging of construction.	No change proposed.
E4 Structural Inspection and Certification	No implications on the staging of construction.	No change proposed.
E5 Cooling Systems	No implications on the staging of construction.	No change proposed.
E6 Sydney Water Requirements	No implications on the staging of construction.	No change proposed.
E7 Drainage Works Requirements	No implications on the staging of construction.	No change proposed.
E8 Work Place Travel Plan and Travel Access Guide	No implications on the staging of construction.	No change proposed.
Part F – During operations		
F1 RTA Requirements	No implications on the staging of construction.	No change proposed.
F2 Annual Fire Safety Certificate	No implications on the staging of construction.	No change proposed.
F3 Noise & Vibration Controls – Operational, Plant & Machinery	No implications on the staging of construction.	No change proposed.
F4 Operation Management Plans	No implications on the staging of construction.	No change proposed.
F5 Operation Waste Management	No implications on the staging of construction.	No change proposed.
F6 NSW Health Requirements	No implications on the staging of construction.	No change proposed.
Advisory Notes		
AN1 Use of Mobile Cranes	No implications on the staging of construction.	No change proposed.
AN2 Movement of Trucks Transporting Waste Material	No implications on the staging of construction.	No change proposed.
AN3 Disability Discrimination Act	No implications on the staging of construction.	No change proposed.
AN4 Temporary Structures	No implications on the staging of construction.	No change proposed.
AN5 Structural Capability for Existing Structures	No implications on the staging of construction.	No change proposed.
AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999	No implications on the staging of construction.	No change proposed.
AN7 Building Code of Australia	No implications on the staging of construction.	No change proposed.
AN8 Fire Safety	No implications on the staging of construction.	No change proposed.

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
AN9 Council Assets	No implications on the staging of construction.	No change proposed.
SCHEDULE 3		
Statement Of Commitments		
Section 94 Contributions	Section 94 Contributions to be paid as a proportion of the works proposed within each stage.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: See comments relating to condition B5.		
Residential Amenity – Light Spill	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: Should read prior to issue of a construction certificate for stage 3 of the development.		
Residential Amenity – Odour and Dust Management	No implications on the staging of construction.	No change proposed.
Landscape Design and Tree Preservation	No implications on the staging of construction.	No change proposed.
Ecologically Sustainable Development	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Stormwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: See comments made relating to condition B18 and B21.		
Groundwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: No objections		
Environmental Health and Animal Welfare	No implications on the staging of construction.	No change proposed.
Integrated Water Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: No objections		
Contamination	No implications on the staging of construction.	No change proposed.
Aboriginal Archaeological Heritage	No implications on the staging of construction.	No change proposed.
European Heritage	No implications on the staging of construction.	No change proposed.
Waste Management	No implications on the staging of construction.	No change proposed.
Construction Management	No implications on the staging of construction.	No change proposed.

Condition No. & Purpose	Implications on the staging of construction	Requested change to the condition
AN9 Council Assets	No implications on the staging of construction.	No change proposed.
SCHEDULE 3		
Statement Of Commitments		
Section 94 Contributions	Section 94 Contributions to be paid as a proportion of the works proposed within each stage.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: See comments relating to condition B5.		
Residential Amenity – Light Spill	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: Should read prior to issue of a construction certificate for stage 3 of the development.		
Residential Amenity – Odour and Dust Management	No implications on the staging of construction.	No change proposed.
Landscape Design and Tree Preservation	No implications on the staging of construction.	No change proposed.
Ecologically Sustainable Development	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Stormwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: See comments made relating to condition B18 and B21.		
Groundwater Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: No objections		
Environmental Health and Animal Welfare	No implications on the staging of construction.	No change proposed.
Integrated Water Management	No implications on the staging of construction.	Revise the relevant portion of the commitment to read: "Prior to issue of the relevant Construction Certificate"
Comment: No objections		
Contamination	No implications on the staging of construction.	No change proposed.
Aboriginal Archaeological Heritage	No implications on the staging of construction.	No change proposed.
European Heritage	No implications on the staging of construction.	No change proposed.
Waste Management	No implications on the staging of construction.	No change proposed.
Construction Management	No implications on the staging of construction.	No change proposed.

End.