

Randwick Local Planning Panel (Public) Meeting

Thursday 11 July 2024



RANDWICK LOCAL PLANNING PANEL (PUBLIC) MEETING

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting will be held online via Microsoft Teams on Thursday, 11 July 2024 at 1pm

Acknowledgement of Country

I would like to acknowledge that we are meeting on the land of the Bidjigal and the Gadigal peoples who occupied the Sydney Coast, being the traditional owners. On behalf of Randwick City Council, I acknowledge and pay my respects to the Elders past and present, and to Aboriginal people in attendance today.

Declarations of Pecuniary and Non-Pecuniary Interests

Address of RLPP by Councillors and members of the public

Privacy warning;

In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded.

Development Application Reports

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Meryl Bishop
DIRECTOR CITY PLANNING

Development Application Report No. D53/24

Subject: 8-14 McCauley Street, Matraville (DA/250/2024)

Executive Summary

Proposal:	Use of the site as a truck depot, installation of two pre-fabricated buildings (for vehicle maintenance, administration and driver amenities), erection of boundary fencing, an acoustic barrier, associated civil and landscaping works.
Ward:	South Ward
Applicant:	Price and Speed Containers Pty Ltd
Owner:	Blue Aurora Partner Pty Ltd, Eric Alpha App Corporation 1 Pty Ltd, Eric Alpha App Corporation 2 Pty Ltd, Eric Alpha App Corporation 3 Pty Ltd, Eric Alpha App Corporation 4 Pty Ltd
Cost of works:	\$88,000.00
Reason for referral:	More than 10 unique submissions by way of objection were received in relation to the subject proposal.

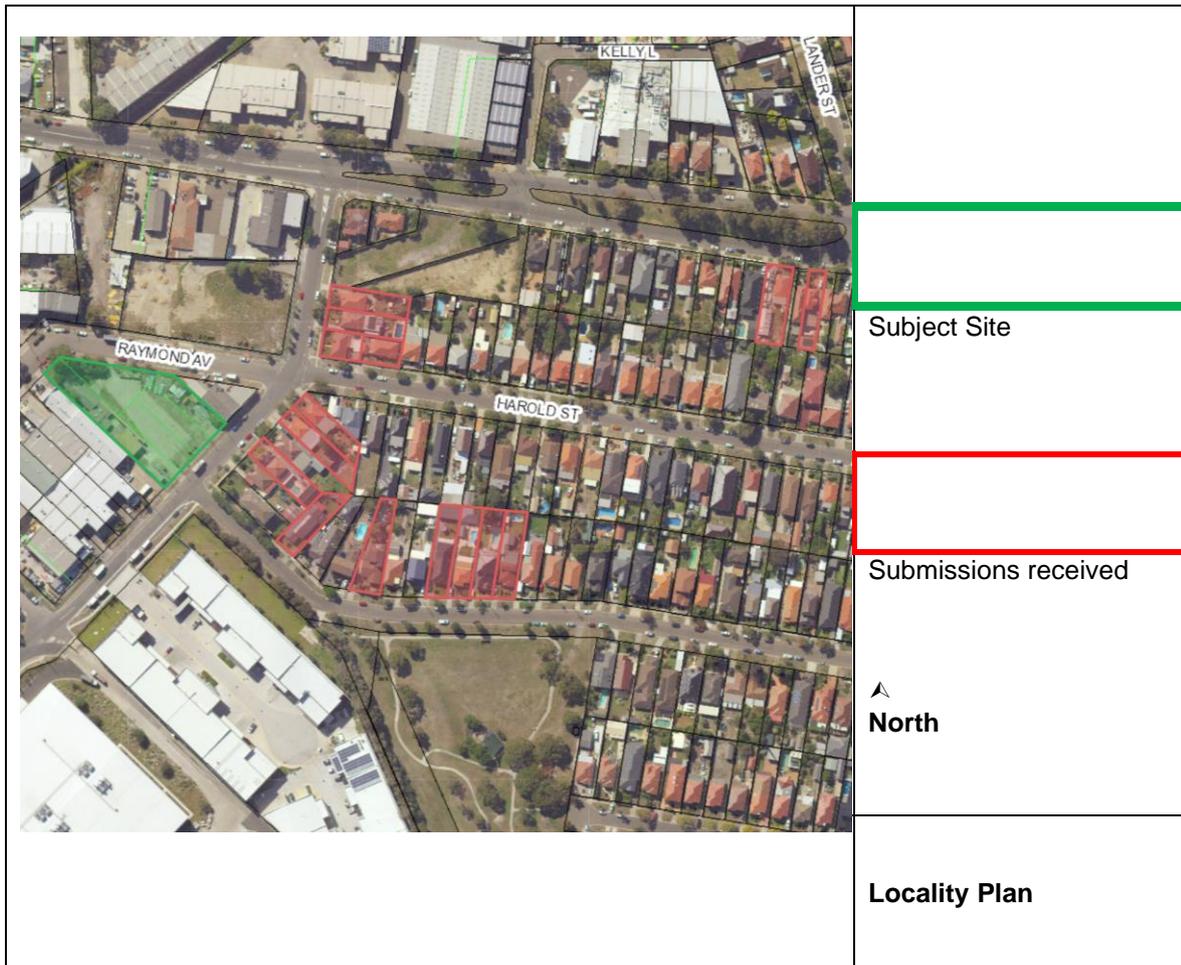
Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/250/2024 for the use of the site as a truck depot, installation of two pre-fabricated buildings (for vehicle maintenance, administration and driver amenities), erection of boundary fencing, an acoustic barrier, associated civil and landscaping works at Nos. 8-14 McCauley Street, Matraville, subject to the development consent conditions attached to the assessment report.

Attachment/s:

-  [RLPP Dev Consent Conditions \(commercial\) - DA/250/2024 - 8-14 McCauley Street, MATRAVILLE NSW 2036 - DEV - Randwick City Council](#)

D53/24



1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as more than 10 unique submissions by way of objection were received in relation to the subject proposal.

The proposal seeks development consent for the use of the site as a truck depot, installation of two pre-fabricated buildings (for vehicle maintenance, administration and driver amenities), erection of boundary fencing, an acoustic barrier, associated civil and landscaping works.

The key issues associated with the proposal relate to acoustic impacts, operating hours, and traffic impacts. In response to concerns raised by neighbouring residents, the proposal was amended to delete the driveway to McCauley Street. The acoustic wall has been extended across the full width of the McCauley Street frontage.

At the advice of Council's Development Engineer, conditions are included to ensure that vehicles will only enter and exit the site via Raymond Avenue and will not travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue to align access away from residential receivers.

Noting the proximity of the subject site to residential properties, conditions are included to clarify that the extended hours of operation (i.e. 24-hours) is granted subject to a 12-month reviewable condition pursuant to section 4.17(10B) of the *EP&A Act 1979*. A condition is included to ensure that truck repairs and servicing shall only occur between 7:00am and 6:00pm, Monday to Sunday (inclusive).

The proposal is recommended for approval subject to conditions.

2. Site Description and Locality

The subject site is located at 8-14 McCauley Street, Matraville and is legally described as Lots 2-5, 20-21 in Sec A DP 8313.

The site has an area of 3,510m² and is irregular in shape. The site has a 48.76m frontage to McCauley Street (to the east) and a combined 76.46m frontage to Raymond Avenue (to the north and west).

As shown in Figures 1-3, the site is currently operating (without consent) as a truck depot.

Surrounding development comprises a mix of industrial premises (to north, south, and west of site) and residential dwellings (to east of site, on opposite side of McCauley Street).



Figure 1: Subject site, viewed from McCauley Street (Source: Council officer)



Figure 2: Subject site, viewed from Raymond Avenue (Source: Council officer)



Figure 3: Existing use of subject site as truck depot (Source: Council officer)

3. Proposal

The proposal seeks development consent for the use of the site as a truck depot. As shown in Figure 4, the proposal includes the following works:

- Use of the site as a truck depot;
- Installation of two (2) pre-fabricated buildings for vehicle repair/maintenance, storage, and driver amenities;
- Erection of boundary fencing and an acoustic wall; and
- Associated civil and landscaping works.

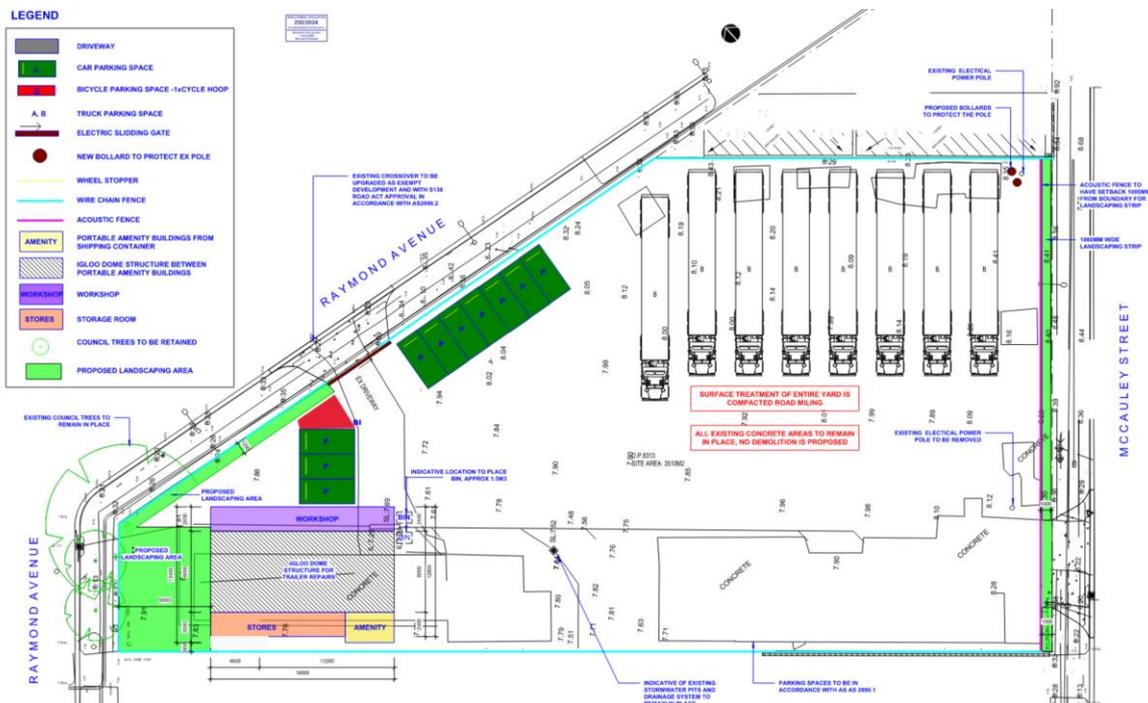


Figure 4: Proposed site plan (Source: 5S Projects Consulting Engineers)

At any one time, the site will accommodate a maximum of 8 x prime movers and 10 x cars (for employees). For avoidance of doubt, a condition is included to confirm this arrangement.

The depot is proposed to operate 24 hours a day, 7 days a week. Truck repairs and servicing are proposed to occur between 7:00am and 6:00pm.

Works Without Consent

The site is currently operating as a truck depot, without consent. On 22 April 2024, Council's Compliance Officer issued a Notice of Intention to serve an Order in relation to the unauthorised use and works.

The terms of the Order are to cease the use of the site as a truck depot and to remove the unauthorised concrete slab and shipping containers.

Council's Compliance Officer is continuing to liaise with the property owner to ensure that the compliance matters are satisfactorily resolved. Notwithstanding, the Applicant has submitted a works-as-executed plan showing the unauthorised works to be excluded as part of the consideration of this DA. A condition is included to clarify that the consent only relates to the use of the unauthorised works.

Amended Plans

On 17 April 2024, Council requested additional information and amended plans from the Applicant. Concern was raised regarding the originally proposed driveway to McCauley Street, and associated impacts to nearby residential properties.

Amended plans were submitted by the Applicant on 1 May 2024 to delete the driveway to McCauley Street. The acoustic wall has been extended across the full width of the McCauley Street frontage. A condition is included to ensure that vehicles will only enter and exit the site via Raymond Avenue.

On 4 June 2024, Council requested further information relating to maneuverability of vehicles. The Applicant submitted an amended site plan and Traffic Impact Assessment on 7 June 2024 to satisfy Council's concerns.

4. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Engagement Strategy. The following submissions were received as a result of the notification process:

- 1 McCauley Street
- 3 McCauley Street (2 x submissions)
- 5 McCauley Street
- 7 McCauley Street
- 9 McCauley Street (2 x submissions)
- 13 McCauley Street
- 92 Australia Avenue
- 2A Harold Street
- 93 Perry Street
- 97 Perry Street
- 6 Blaxland Street

Issue	Comment
Compliance concerns – use of the site as truck depot, and associated construction works, have commenced without consent	The unauthorised use and works are under investigation by Council's Compliance team. On 22 April 2024, Council's Compliance Officer issued a Notice of Intention to serve an Order.
Noise and vibration impacts	Refer to discussion at Section 7.1 of this report.
Concerns regarding 24-hour operations	Refer to discussion at Section 7.1 of this report.
Traffic impacts – heavy vehicle movements in residential area, loss of on-street parking	Refer to discussion at Section 7.1 of this report.

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Air pollution impacts	Council's Environmental Health Officer has reviewed the proposal and raises no concern, subject to suitable conditions.
The number of trucks currently on the premises is greater than that proposed by the DA.	A condition is included to ensure that no more than 8 x prime movers and 10 x cars will be located on the premises at any given time.
Industrial use of the site is unacceptable.	The subject site is zoned IN1 General Industrial. Several types of industrial land uses, including truck depots, are permitted with consent in this zone pursuant to Chapter 5 of the Transport and Infrastructure SEPP. The proposed land use is consistent with the objectives of the IN1 zone and is considered acceptable.
Lack of information regarding total number of trucks on site	A condition is included to ensure that no more than 8 x prime movers and 10 x cars (for employees) trucks will be located on the premises at any given time.
Concerns that the premises may operate as a container transfer depot or be used for parking of loaded trucks	A condition is included to ensure that no shipping containers will be unloaded, unpacked, consolidated, repaired, refit, or stored on the site. A condition is also included to ensure that the premises is used for storage and repair/servicing of empty trucks only.
Lack of dedicated car parking for employees	Refer to discussion at Section 7.1 of this report.

4.1. Renotification

Amended plans were submitted by the Applicant on 01 May 2024 to delete the driveway to McCauley Street. The amended plans were renotified between 21 May 2024 and end 4 June 2024. The following submissions were received as a result of the re-notification process:

- Matraville Precinct Committee
- 1 McCauley Street
- 3 McCauley Street
- 5 McCauley Street
- 9 McCauley Street (2 x submissions)
- 74 Australia Avenue
- 76 Australia Avenue
- 78 Australia Avenue
- 80 Australia Avenue
- 86 Australia Avenue
- 97 Perry Street
- 620 Bunnerong Road

In addition to those raised during the first notification period, the following additional issues were raised during the re-notification period:

Issue	Comment
Lack of detail regarding number and types of trucks, including swept paths	Council's Development Engineer has reviewed the submitted information and raises no concern, subject to conditions. At any one time, the site will accommodate a maximum of 8 x

	prime movers and 10 x cars (for employees). For avoidance of doubt, a condition is included to confirm this arrangement.
Concerns regarding truck movements along McCauley St – suggestion to construct a traffic island to prevent truck movements.	Refer to discussion at Section 7.1 of this report.
Existing noise impacts associated with nearby industrial premises (i.e. Opal paper mill).	Not relevant to assessment of subject DA.
With reference to the Randwick Comprehensive LEP Planning Proposal, the Council meeting of 30 August 2022 resolved: <i>“Include a local provision to prohibit the granting of development consent for the purpose of freight transport facilities on land within the E4 General Industrial zone”</i> <i>“Write to the Minister to seek an exemption from the SEPP regarding the hours of operation of industry in the light industrial zone.”</i>	Noted. RLEP 2012 does not apply to the subject site, which is zoned IN1 General Industrial pursuant to Chapter 5 of the Transport and Infrastructure SEPP. The proposed development, being for a truck depot, is permissible with consent under the <u>current and relevant</u> planning controls.
Concerns that trucks will travel along Australia Ave and Harold Ave to access the site.	A condition is included to ensure that trucks will not travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue. In this regard, trucks will not access Australia Ave or Harold Ave.
Safety concerns for children at nearby Purcell Park.	A condition is included to ensure that trucks will not travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue. In this regard, trucks will not travel past Purcell Park.
Hazardous materials	Suitable conditions are included to ensure that the premises shall be used for the storage and repair/servicing of empty trucks only.
A truck depot should be in an industrial zoned area. Development for a truck depot on the border of residential zone should be prohibited.	The subject site is zoned IN1 General Industrial pursuant to the Transport and Infrastructure SEPP. The proposed development, being for a truck depot, is permissible with consent in the IN1 zone and is consistent with the objectives of the zone.

5. Relevant Environment Planning Instruments

5.1. SEPP (Biodiversity and Conservation) 2021

Chapter 2 of the SEPP applies to the proposal and subject site. The aims of this Chapter are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposed development does not involve the removal of any vegetation (including any trees). As such, the proposal achieves the relevant objectives and provisions under Chapter 2.

5.2. SEPP (Resilience and Hazards) 2021

The provisions of the SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site.

The proposed structures are pre-fabricated in nature and will be placed on the existing hardstand, requiring no earthworks or disturbance to the ground (other than minor works for installation of services). It is also noted that the existing landscaped zones already form a part of the existing site configuration. On this basis and noting the industrial nature of the proposed land use, the site is considered suitable.

5.3. SEPP (Transport and Infrastructure) 2021

Chapter 5 of the Transport and Infrastructure SEPP seeks to provide a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla, and the Port of Newcastle.

The site is zoned IN1 General Industrial pursuant to Chapter 5 of the Transport and Infrastructure SEPP. The proposal, being for a truck depot, is permissible with consent in the IN1 zone. Pursuant to the Standard LEP definition, a truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

The proposed pre-fabricated buildings (for vehicle repair/maintenance, storage, and driver amenities) are ancillary to the primary use of the site as a truck depot.

The proposal is consistent with the objectives of the IN1 zone, as outlined below:

- The proposed truck depot is an industrial land use.
- The proposal will provide employment opportunities on a site which is currently vacant.
- The proposal has been designed to minimise any adverse effect on surrounding residential land uses. An acoustic barrier and landscaped planting are proposed to the McCauley Street frontage, to minimise noise and provide visual screening to truck operations. Suitable conditions relating to operating hours, truck movements, and acoustic monitoring/reporting are included to ensure minimal acoustic impact to nearby residential properties.
- The proposed truck depot will be used to service and store empty container trucks directly serving Port Botany. As such, the proposal is considered to contribute to the growth and diversification of trade through Port Botany.
- The proposal will not inhibit ecologically sustainable development.

There are no development standards for maximum building height, maximum FSR, or minimum lot size applying to the subject site. However, it is considered that the proposal would not be inconsistent with the built form typical of the surrounding IN1 zone.

Section 5.18 – Prohibition on development for the purposes of container depots on certain land in Zone IN1

Part of the subject site is located in the Container Depots Prohibition Area. Pursuant to section 5.18 of the Transport and Infrastructure SEPP, development consent must not be granted for development for the purpose of a container depot on land within the Container Depots Prohibition Area.

A container depot means a building or place that is used for the unloading or unpacking (or both) of shipping containers for delivery to individual consignees, or the consolidation of goods from different

consignors into full shipping container loads for dispatch, or the repair, refitting or storage of shipping containers.

The proposed land use, being for a truck depot (and ancillary use – vehicle repair/maintenance, storage, and driver amenities), does not constitute a container depot.

The submitted SEE states that the site will be used for the storage of empty trucks only. A condition is included to ensure that no shipping containers will be unloaded, unpacked, consolidated, repaired, refit, or stored on the site.

In this regard, section 5.18 is satisfied.

Section 5.19 – Business premises and office premises in Zone IN1

Pursuant to section 5.19 of the Transport and Infrastructure SEPP, development consent must not be granted for development for the purposes of business premises or office premises on land within the IN1 General Industrial zone unless the consent authority is satisfied that the development is associated with, and ancillary to, port facilities or industrial uses of land.

The proposal does not seek consent for any business premises or office premises at the subject site.

5.4. Randwick Local Environmental Plan (RLEP) 2012

Not applicable to subject site mapped with the Port Botany SEPP area.

6. Development control plans and policies

6.1. Randwick Comprehensive DCP 2013

The DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed below.

Part B4 – Landscaping and Biodiversity

Refer to comments by Council's Landscape Officer at Appendix 1 of this report.

Part B6 – Recycling and Waste Management

Refer to comments by Council's Development Engineer at Appendix 1 of this report.

Part B8 – Water Management

Capable of complying, subject to suitable conditions.

Part B7 – Transport, Traffic, Parking and Access

Refer to comments by Council's Development Engineer at Appendix 1 of this report.

Part D15 – Industrial Areas

Building Design and Appearance

The pre-fabricated buildings do not dominate the streetscape and are consistent with the predominant industrial character of the locality.

The buildings are located towards the Raymond Ave site frontage, and as such, will not be readily visible from the residential properties located on the opposite side of McCauley St. To promote casual surveillance, windows and entrances have been designed to face Raymond Ave.

A condition is included to ensure that any metal roof sheeting is pre-painted to limit the level of reflection and glare.

Setbacks

The pre-fabricated buildings are suitably setback from the street frontages and adjacent industrial properties. Consistent with the DCP requirements, the setbacks to Raymond Ave and McCauley St comprise soft landscaping to provide an improved street presence.

Landscaping

The proposal provides 174m² (approx.) of landscaped area at the site. Whilst this falls short of the 20% (702m²) DCP requirement, the proposed use of the site as a truck depot does not warrant additional landscaped area. Relative to the existing situation, there will be a net increase in landscaped area at the site along McCauley Street as a part of the acoustic barrier.

Notwithstanding numeric non-compliance, the proposal is consistent with the objectives of Part D15, Section 4 of the DCP, as outlined below:

- The proposed landscaped scheme has been designed to improve the environmental and visual amenity of the area. The setbacks to Raymond Ave and McCauley St are provided with landscaped planting to soften the visual presentation of the development to the street.
- Building design, car parking, and service facilities have been well-integrated with landscaping.
- The primary landscape area is co-located with the driver amenities (at the western corner of the site) to maximise accessible and useable open space for the use of employees.
- Conditions are included to ensure that landscaping comprises suitable plant species.
- Hard surfaces have been minimised to assist stormwater management adjacent to street frontages.

As detailed at Appendix 1, Council's Landscape Officer has reviewed the proposal and raises no concerns, subject to suitable conditions.

Parking and Access

Refer to comments by Council's Development Engineer at Appendix 1 of this report.

Light and Noise

Refer to comments by Council's Environmental Health Officer at Appendix 1 of this report.

Water Quality

Capable of complying, subject to suitable conditions.

Waste Management

Refer to comments by Council's Development Engineer at Appendix 1 of this report.

Fences

The proposal seeks to construct a 1.8m high wire chain fence to the Raymond Avenue frontages. A solid acoustic barrier (2.4m height) is proposed to the McCauley Street frontage. Whilst this does not strictly comply with the DCP requirements, the acoustic barrier has been specifically designed to minimise acoustic impacts to neighbouring residential properties (dwellings) on the opposite side of McCauley Street and is acceptable on merit. A 1m wide landscaping strip is proposed in front of the acoustic barrier to soften the visual presentation of the development.

7. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	Refer Section 5 of this report.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. Refer to Section 6 of this report.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant character in the industrial locality. The proposal will not result in detrimental social or economic impacts on the industrial locality.
Section 4.15(1)(c) – The suitability of the site for the development	The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

7.1. Key Issues

Traffic and Parking

Concerns have been raised by neighbouring residents regarding traffic and parking impacts associated with the proposed development.

In response to the concerns raised, the proposal has been amended to delete the driveway to McCauley Street. The acoustic wall has been extended across the full width of the McCauley Street frontage.

Additionally, suitable conditions are included to ensure that vehicles will only enter and exit the site via Raymond Avenue at all times of the day. Trucks travelling to/from the premises are not permitted to travel along the part of McCauley Street between Perry Street and the southern end of Raymond

Avenue (refer orange line in Figure 5) at any time. Trucks travelling to/from the premises must follow the route shown via a green line in Figure 5.

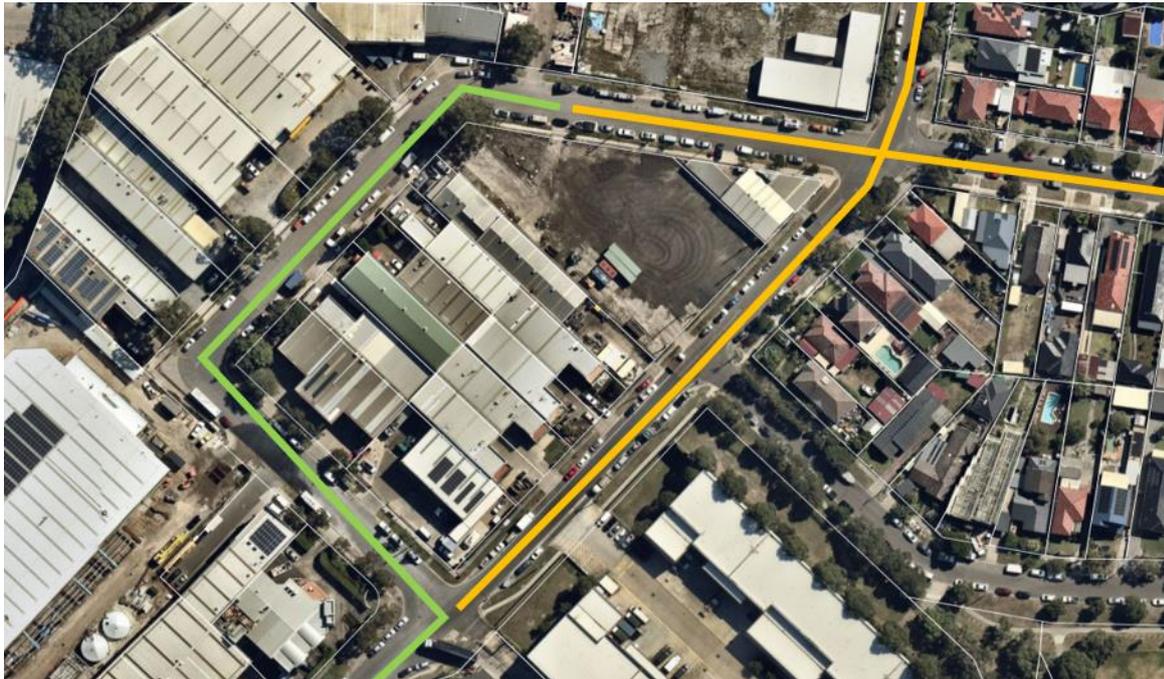


Figure 5: Markup of aerial plan – truck movements (Source: NearMap)

It is noted that at the Ordinary Council meeting of 28 May 2024, Council resolved:

RESOLUTION: (Said/D'Souza) that Council resolve to take the following changes to Raymond Avenue and McCauley Street, Matraville to the Randwick Traffic Committee for consideration:

- a) close the northern end of Raymond Avenue restricting all access to vehicles entering or exiting from McCauley Street;
- b) signpost the southern entrance into Raymond Avenue, No Right Turn from McCauley for vehicles approaching Raymond Avenue from Perry Street, Harold Street and Australia Avenue to eliminate rat running through these local residential streets; and
- c) consider installing CCTV cameras to record heavy vehicles which illegally enter and exit McCauley Street via Perry Street.

Subject to conditions, the proposed development will accord with Council's resolution above.

At any one time, the site will accommodate a maximum of 8 x prime movers and 10 x cars (for employees). For avoidance of doubt, a condition is included to confirm this arrangement.

The proposal includes 10 x on-site car parking spaces and 1 x bicycle parking space for employees, which is sufficient to accommodate the personal vehicles of the eight (8) staff members who operating the prime movers, plus an additional two (2) visitor spaces for occasional maintenance or mechanical work. In this regard, it is unlikely that the proposed development will generate any additional demand for on-street car parking.

As detailed at Appendix 1 of this report, Council's Development Engineer has reviewed the submitted Traffic Impact Assessment and raises no concern, subject to conditions.

Acoustic Impacts

Concerns have been raised by neighbouring residents regarding acoustic impacts associated with the truck depot use. In response to the concerns raised, the proposal has been amended to delete the driveway to McCauley Street. The acoustic wall has been extended across the full width of the McCauley Street frontage to mitigate potential acoustic impacts.

As detailed at Appendix 1 of this report, Council's Environmental Health Officer has reviewed the submitted Acoustic Report and raises no concern, subject to suitable conditions.

Operating Hours

Concerns have been raised by neighbouring residents regarding the proposed 24-hour operations of the truck depot.

Council acknowledges these concerns however notes that, pursuant to subdivision 23B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), 24-hour operations are permitted without Council's consent (i.e. as exempt development) at the subject site, as follows:

2.46C Specified development

- (1) *The operation of premises in Zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3 and IN4 in accordance with an existing development consent or complying development certificate at any time outside the hours permitted by the development consent or complying development certificate is development specified for this code.*
- (2) *The trading on or from premises in accordance with an existing development consent or complying development certificate at the following times occurring outside the hours permitted by the development consent or complying development certificate is development specified for this code—*
 - (a) *in Zones B1, B2, B3, B5, B6, B7, B8, IN4, SP1, SP2 and SP3—6am–10pm,*
 - (b) *in Zone B4—6am–7pm,*
 - (c) *in Zones IN1, IN2 and IN3 for relevant premises—*
 - (i) *until the end of 31 January 2024—24 hours a day,*
 - (ii) *from the beginning of 1 February 2024—6am–7pm,*
 - (d) ***in Zones IN1, IN2 and IN3 for all other premises—24 hours a day.***
- (3) *In this clause—*
relevant premises means boat building and repair facilities and vehicle body repair

Noting the proximity of the subject site to residential properties, conditions are included to clarify that the proposed 24-hours operation shall only be granted as an extended hours subject to a 12-month reviewable condition pursuant to Section 4.17(10B) of the *EP&A Act 1979*.

The reviewable condition will ensure that the operations of the premises maintain compliance with the relevant criteria as stipulated under the Industrial Noisy Policy. The base hours of operation (7:00am to 10:00pm) would apply if the relevant criteria are not met.

The reviewable condition serves as a proactive approach to ensure ongoing compliance with the consent conditions and to maintain amenity for nearby residential properties. It provides a mechanism for timely intervention and resolution in case of any non-compliance issues without the need for formal action which is normally resource intensive and cost prohibitive.

A condition is included to ensure that truck repairs and servicing shall only occur between 7:00am and 6:00pm, Monday to Sunday (inclusive).

8. Conclusion

That the application for the use of the site as a truck depot, installation of two pre-fabricated buildings (for vehicle maintenance, administration and driver amenities), erection of boundary fencing, an acoustic barrier, associated civil works and landscaping works at No. 8-14 McCauley Street, Matraville, be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the Transport and Industry SEPP and the relevant requirements of RDCP 2013.

- The proposal is consistent with the specific objectives of the IN1 zone in that the proposed truck depot is an industrial land use, will provide employment opportunities, and will contribute to the growth and diversification of trade through Port Botany.
- Subject to suitable conditions, the proposal has been designed to minimise any adverse effect on surrounding residential land uses.
- The scale and design of the proposal is considered to be suitable for the location and is compatible with the surrounding industrial locality.

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Appendix 1: Referrals

1. Development Engineer

Council's Development Engineer has reviewed the proposal and raises no concern, subject to conditions:

General Comments

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

Parking Provision Comments

Table 1 "Vehicle Parking Rates" from Part B7 of Randwick Council's Development Control Plan 2013 specifies that the car parking rate for "Truck Depot" use developments is subject to a Transport Assessment Study.

To address this requirement, the applicant has submitted a Traffic Impact Assessment report prepared by The Transport Planning Partnership (TTPP) which states the following:

- *The development proposes to store 8 prime mover vehicles (with trailers).*
- *The prime movers are to be operated by one staff each, who will park their personal vehicles on site before the early peak hour.*
- *The proposed site will include 8 car parking spaces to accommodate the personal vehicles of the 8 staff members who are operating the prime movers, plus an additional 2 visitor spaces for occasional maintenance/mechanical work.*
- *Total proposed car spaces = 10.*

Table 3 "Bicycle Provision Rates" from Part B7 of Randwick Council's Development Control Plan 2013 states that Industrial developments are required to provide 1 bike space per 10 car parking spaces. The development has proposed to include one (1) bicycle hoop on site.

It is noted that two (2) on-street car parking spaces will be removed due the proposed Raymond Avenue driveway widening works. Similarly, one (1) on-street car parking space will be removed due the proposed McCauley Street driveway widening works.

*Development Engineering has assessed the proposed car and bicycle parking provisions for the development and have determined that it satisfies the local off-street parking demand. Therefore, it **complies** with Council's requirements.*

Drainage Comments

Development Engineering has included stormwater management conditions in this report requiring a stormwater management plan to be approved prior to commencement of any works.

Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer, and be submitted to and approved by the Principal Certifier. A copy of the plans shall be forwarded to Council if Council is not the Principal Certifier.

Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the structure. The overflow from the rainwater tank and other surface stormwater must be directed (via a sediment/silt arrestor pit):

- i. *To the kerb and gutter along the McCauley Street site frontage by gravity (preferably without the use of a charged system); OR*
- ii. *To Council's underground drainage system in McCauley Street; OR*
- iii. *To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),*

Due to location of the site in relation to Council's "On-Site Detention Map" (refer to Appendix A of Council's "Private Stormwater Code"), on-site detention is generally not required unless the discharge to the kerb and gutter exceeds 25 litres/s for the critical 20-year ARI design storm.

Flooding Comments

A review of the flooding in the local area was conducted through the use of Council's "Birds Gully and Bunnerong Road Flood Study". The site does not experience inundation for all design storms up to the 1% AEP storm event. There is negligible flooding in Raymond Avenue and McCauley Street during the 1% AEP storm event which is contained by the kerb and gutter.

Waste Management Comments

It has been noted on plan that the development's waste storage will be encapsulated by two (2) 1.5m³ bins located at the south-eastern side of the proposed workshop structure.

Development Engineering has included waste management conditions in this report requiring a waste management plan to be approved prior to commencement of any works.

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

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

Ausgrid Power Pole Comments

The development proposes to remove the Ausgrid power pole within the site located adjacent to the existing McCauley Street driveway entry. A relevant public utilities condition has been provided.

Undergrounding of power lines to site

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

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

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

2. Landscape Officer

Council's Landscape Officer has reviewed the proposal and raises no concern, subject to conditions:

Site Inspection was undertaken on 10th May 2024 with pictures of all vegetation on D05273122 & D05306106.

This site is in triangular shape which northern Raymond Avenue and eastern McCauley Street surround the subject site, both northeastern and southwestern aspects of the subject site have mechanical workshops, the only access to this site is via the northern aspect of the site through Raymond Ave.

Within northern Raymond Ave councils' verge, east of existing gate, immature Tuckeroo tree, fair condition, fair health, damaged trunk via mechanical damage, in direct conflict with proposed works, to be removed with two replacement trees planted elsewhere within the LGA, all other street tree vegetation is far enough away from works.

Moving within the subject site within the far western corner of the site, mature Eucalyptus robusta (Swamp Mahogany) 10 metres high, protected under the DCP, and is the only established specimen assessed for this application, It displays good health and condition, with multiple vertical leaders emerging from a common point about 2 metres above ground level, its crown occupies the corner of this site as well as overhanging into the adjoining council's verge to its west.

Pruning has been undertaken with two lower lateral limbs been pruned to which was seen to be applied professionally, the need for additional pruning may not be needed.

The main threat to this tree is identified as new excavations and new concrete slab, which has been poured 6.3 metres from the eastern aspect of the tree, this works was prior to DA approval, which works have now been halted, measures will now be put in place to protect this tree from further interferences from any future works.

No other vegetation was seen within this site, with others on adjoining sites noted to be sited well clear of all works.

With architectural plans showing landscaping, the only aspect that requires assessment is the need for a formal Landscape Plans for DA/250/2024 with conditions requiring all outlining requirements and the all the inclusions required for the site.

3. Environmental Health Officer

Council's Environmental Health Officer has reviewed the proposal and provides the following comments:

Acoustic report

Koikas Acoustics have provided an acoustic report project no: 6129 dated 05/03/2024 assessing the proposed operations of the site and compliance with relevant acoustic criteria.

The report addressed noise impacts from the use of trucks entering and exiting the premises, vehicle movements including trucks inside the premises sleep disturbances, road noise, operation of truck repairs and associated activities.

The report concluded that measurements and calculations show that the level of noise emitted from all activities will meet the noise level requirements and planning noise levels. of the NSW EPA Industrial Noise Policy, Noise Guide for Local Government and the NSW Road Noise Policy.

Whilst the report addresses noise of the proposed site and the surrounding industrial area, the Environmental Health team are concerned that the operations of the storage facility during the night time period may impact nearby residents. Especially, noise generated from reversing alarms, , truck movements and trucks idling onsite and offsite.

If the proposal is supported by Council, it is recommended that the conditions outlined below are included to address these concerns, including a validation acoustic report to be submitted to Council 6 months after the occupational certificate being issued for the development.

Further information was requested on truck movements including but not limited to assessment of vehicle movements and reversing alarms at nighttime, as well as consideration of ceasing need for McCauley Street entry/exit.

Subsequently, Koikas Acoustics have provided an acoustic report project no: 6129 dated 26/04/2024. The report confirmed removing the McCauley Street entry/exit and continuing the acoustic wall on that frontage.

Recommended noise mitigation measures have been detailed for operation and construction of the development in sections 5.5 and 5/6 of Koikas Acoustics have provided an acoustic report project no: 6129 dated 26/04/2024.

Exceedance of Sleep disturbance for single truck movement was noted exceeding criteria by 5dBa at residential premises, however the consultant provided advice that current traffic movements outside this proposal exceed criteria by 24 dBa over 200 noted movements.

The report concluded project specific noise planning goals can be achieved provided recommended acoustic measures are implemented.

Due to proximity to residents and the proposal is 7 days a week if the 24-hour operation is approved a trial period is recommended to be considered for the 24-hour operation if permissible under planning legislation.

Road use

In the past, concerns have been raised from residents regarding noise from large semi-trailers and B-double trucks entering Port Botany and the AST container park from Perry Street.

Whilst the acoustic report outlines the noise from trucks will comply with the relevant road noise requirements, it is recommended that Council's traffic engineers review the development application including the traffic management plan to be reviewed and approved by Council prior to approving the development.

Land Contamination

The application includes one storey repair buildings to be constructed above ground on site. The statement of environmental effects does not highlight any land contamination issues on the site.

A review of the history use of the site did not indicate activities that would raise land contamination concerns. However, as this site is located within the Class 2 area for Acid sulphate soils, it is recommended that a preliminary acid sulphate soil assessment is undertaken prior to the construction certificate being issued for the development.

Air/Water

Standard conditions will be included to address environmental pollution concerns.

Hours of operation consistency with surrounding amenity

The proposed business is surrounded by 24-hour operations

- *AST container park at 1-59 Beauchamp Road, Matraville.*
- *Qube container park 1890 Botany Road, Port Botany.*
- *Orora Paper, 1891 Botany Road, Matraville.*
- *Port Botany.*

The proposed hours are existing in surrounding businesses, however given the proximity to residences any 24 hour operation that is considered for approval should be given on a trial basis.

Planning Officer comment: Following further discussions with Council's Environmental Health Officer, the proposed 24 hours operation are granted subject to a 12-month reviewable condition. The reviewable condition will ensure that the operations of the premises maintain compliance with the relevant criteria (as stipulated under the Industrial Noisy Policy) and maintain amenity for nearby residential properties.

Responsible officer: Julia Warren, Senior Environmental Planning Officer

File Reference: DA/250/2024

Development Consent Conditions (Commercial)



D53/24

Folder /DA No:	DA/250/2024
Property:	8-14 McCauley Street, MATRAVILLE NSW 2036
Proposal:	Use of the site as a truck depot, installation of two pre-fabricated buildings (for vehicle maintenance, administration and driver amenities), erection of boundary fencing, an acoustic barrier, associated civil works and landscaping works.
Recommendation:	Approval

GENERAL CONDITIONS

Condition

1. **Approved plans and documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A03, Rev. F – Truck Parking Plan	5S Projects Consulting Engineers Pty Ltd	18/03/2024	07/06/2024
A04, Rev. F – Car Parking Details	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A05, Rev. F – Wire Chain Fence	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A06, Rev. F – Acoustic Fence and Gate	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A07, Rev. F – Amenities Building Layout	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
A07, Rev. F – Igloo Dome Structure	5S Projects Consulting Engineers Pty Ltd	18/03/2024	12/04/2024
Works As Executed Layout Plan	5S Projects Consulting Engineers Pty Ltd	18/04/2024	01/05/2024

In the event of any inconsistency between the approved plans and supplementary documentation, the approved drawings will prevail.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Works Without Consent**

The works that have already been constructed on site (as shown on the Works As Executed Layout Plan dated 18 April 2024) do not form part of this consent. This consent grants approval for the use of the as-built structures only and does not include approval for the works carried out prior to the issue of the development consent.

Condition Reason: To clarify that the consent only relates to the use of the unauthorised works.

 Condition

3. **Vehicle Movements**
Trucks shall only enter and exit the premises via Raymond Avenue. No trucks are permitted to access the site via McCauley Street.
- All truck movements into the site must be conducted by turning right from Raymond Avenue. All truck movements out of the site must be conducted by turning left onto Raymond Avenue.
- Trucks accessing and exiting the site are not permitted to travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue.
- To protect the acoustic amenity of neighbouring properties.
4. **Approved Site Plan**
As indicated on the approved site plan, the site shall accommodate a maximum of 8 x prime movers and 10 x cars (for employees) at any one time.
- Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

 Condition

5. **Consent Requirements**
The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
- Condition Reason: To ensure any requirements or amendments are included in the Construction Certificate documentation.
6. **External Colours, Materials & Finishes**
The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.
- Any metal roof sheeting is to be pre-painted to limit the level of reflection and glare.
- Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.
- Condition Reason: To ensure colours, materials and finishes are appropriate and compatible with surrounding development.
7. **Security Deposits**
The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17(6) of the *Environmental Planning and Assessment Act 1979*:
- \$5,000.00 - Damage / Civil Works Security Deposit
- Security deposits may be provided by way of a cash, cheque or credit card

-
- | Condition |
|---|
| <p>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.</p> <p>The owner/builders 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.</p> <p>To obtain a refund of relevant deposits, a <i>Security Deposit Refund Form</i> is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p> |
| <p>8. Sydney Water</p> <p>All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none">• 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. <p>Sydney Water's Tap in™ online service is available at:
https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>The Principal Certifier must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.</p> <p>Condition Reason: To ensure the development satisfies Sydney Water requirements.</p> |
| <p>9. Building Code of Australia</p> <p>In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).</p> <p>Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p> |
| <p>10. Design Alignment Levels</p> <p>The design alignment level (the finished level of concrete, paving or the like) at the</p> |

 Condition

property boundary for driveways or the like, shall be:

- **100mm above the top of the kerb at all points opposite the kerb, along the Raymond Avenue 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 (a construction note on the plans is considered satisfactory). The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6888.

Condition Reason: To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

11. **Design Alignment Levels**

The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$900** calculated at **\$60.00** (as of 1st July 2023) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Condition Reason: To ensure all parking and driveway works are designed and constructed in accordance with the relevant requirements, to Council standard, and to ensure payment of fees to Council.

12. **Carspace Design**

The gradient of the internal carspace must be designed and constructed to not exceed a grade of 1 in 20 (5%) and the levels of the carspace must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

Condition Reason: To ensure all carspaces are designed and constructed in accordance with the relevant requirements.

13. **Stormwater Drainage**

Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the Principal Certifier. A copy of the plans shall be forwarded to Council, if Council is not the Principal Certifier.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

Condition Reason: To control and manage stormwater run-off.

14. **Stormwater Drainage**

Stormwater runoff from the (redeveloped portion) site shall be discharged either:

- To the kerb and gutter along the McCauley Street site frontage by gravity (preferably without the use of a charged system); OR
- To Council's underground drainage system in McCauley Street; OR
- To a suitably sized infiltration area. As a guide the infiltration area shall be

Condition
sized based on a minimum requirement of 1 m ² of infiltration area (together with 1 m ³ of storage volume) for every 20 m ² of roof/impervious area on the site.
Infiltration areas must be located a minimum of 3.0 metres from any structure (note: this set back requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from any adjacent side or rear boundary.
Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration will not be appropriate.
NOTE: Should the ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the McCauley Street frontage of the property.
Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
(a) There are suitable clear-outs/inspection points at pipe bends and junctions. (b) The maximum depth of the charged line does not exceed 1m below the gutter outlet.
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 required 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 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 Stormwater Code.
All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.
Condition Reason: To control and manage stormwater run-off.
15. Footings adjacent to drainage easements All proposed footings located adjacent to the proposed/existing drainage easement shall either be:
(a) Founded on rock, or; (b) Extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage easement (angle of repose).
Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.
Condition Reason: To control and manage stormwater run-off.
16. Landscape Plan

Condition

A formal Landscape Plan prepared by a qualified professional in the Landscape industry (must be eligible for membership with AILD, AILA or equivalent) must be submitted to, and be approved by, the Principal Certifier, **prior to CC/commencement of site works** detailing the following:

- (a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity/density, location, dimensions at maturity and any other details required to describe the works.
- (b) A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival.
- (c) A high-quality selection and arrangement of decorative species throughout the western side setback, rear of Igloo Dome to assist with presentation of the development to the streetscape.
- (d) Dedicated garden areas around the perimeter of the northwestern aspect of the workshop, along the fence line, measuring from existing mature tree to the proposed new driveway on Raymond Ave, to which, evergreen screen planting and decorative lower growing species shall be provided so as to soften the appearance of dividing/boundary fences as well as improve screening and amenity between this site and the adjacent warehouses.
- (e) 1 x 25 litre (pot size at the time of planting) feature tree within the southwestern side setback of the site, adjacent the Pro Works mechanical workshop, measuring centrally between the existing mature tree, boundary fences and within the southwestern aspect of the Igloo Dome, selecting species which will attain a minimum height of between 4-7 metres at maturity, with tree planting to be in deep soil and be sited at least 2.5m from any part of the dwelling;
- (f) 2 x 25 litre (pot size at the time of planting) native evergreen canopy trees within the northwestern aspect of the workshop, plotted along the fence line, measuring 7 metres east of existing mature tree then second tree to be plotted 7 metres further east towards the proposed new driveway on Raymond Ave, selecting species which will attain a minimum height of 4-6 metres at maturity with all tree planting to be in deep soil and be sited at least 2.5m from any part of the dwelling;
- (g) A dedicated deep soil garden bed, measuring a minimum width of 1 metre must be provided across the width of the rear western boundary, measuring 1 metre from either side of the mature tree, to which a continuous evergreen screening hedge shall be planted, using stock with a minimum pot size at the time of planting of 200mm, and selecting a species which will attain a minimum height of between 3-4 metres at maturity, to assist with future screening, privacy and amenity between this development site and adjoining western Ave footpath, and warehouses, plantings will also be planted along the southern edge boundary, close to the neighbouring Pro Works mechanical workshop.

Condition Reason: To ensure residential amenity and that appropriate landscaping is provided.

17. **Tree Management**

To ensure retention of mature *Eucalyptus robusta* (Swamp Mahogany) within the far western corner of the subject site, 10 metres high, protected under the DCP, the following measures are to be undertaken:

- (a) All documentation submitted for the Construction Certificate application

Condition
must show its retention, with the position and diameter of its trunk canopy SRZ, TPZ to be clearly and accurately shown on all plans in relation to the proposed works.
(b) Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, the Tree Protection/Management Plan/Recommendations/Specification any other instructions issued on-site.
(c) All Construction Certificate plans must show that the rear western concrete slab, which was poured prior to DA, must finish a minimum distance of 9 metres away, as shown on (5S Projects Consulting Engineers, Dwg Works as Executed Layout, REV 4), measured off the outside edge of its trunk at ground level, to the edge of slab.
(d) Where there is a difference in level between this site and an adjoining property, and the soil level where the trees are growing is higher than the subject site, if the soil profile is to be exposed for any period of time, temporary shoring must be provided along the common boundary so as to prevent failure of the soil and trees, with a suitable system to be approved by the PCA, prior to installation.
(e) Prior to the commencement of any site works, the trunk of this tree is to be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
(f) This tree must be physically protected with the installation of 1.8-metre-high steel mesh/chainwire fencing panels, which shall be secured to the boundary fence to its west, measuring 3 metres from the trunk to completely enclose the tree for the duration of works.
(g) This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER" .
(h) If additional trunk or branch protection is required, this can be provided by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around affected areas, to which, lengths of evenly spaced hardwood timbers shall then be placed around their circumference and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
(i) To prevent soil/sediment being washed over the/ir root system/s, erosion control measures must be provided at ground level around the perimeter of the TPZ.
(j) Where major roots with a diameter of 50mm or more are encountered and Council's officer determines they must be retained, a cantilevered, pier and beam style footing must be used for these areas.
(k) The Construction Certificate plans must acknowledge that the site inspection may result in the need to alter the design away from a traditional strip footing, with a suitably qualified engineer to have an alternative design approved by the Principal Certifier, prior to installing the footings.

 Condition

- (l) Where roots with a diameter of less than 50mm are found which are in direct conflict with the approved works, and permission is given for their pruning, they may be cut cleanly using hand-held tools only, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- (m) Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- (n) Ground levels within the TPZ s must not be altered by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which is to remain as undisturbed, deep soil.
- (o) Ground protection comprising strapped together rumble boards, sheets of plywood or similar shall be provided on top of the mulched area of 100mm deep and must remain in place for the duration of works, until such time as the approved landscaping is being installed.
- (p) The applicant is not authorised to perform any other works to this tree and must contact Council's Landscape Development Officer on 9093-6633 should clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING UP TO SIX WEEKS NOTICE, with payment to be received prior to pruning or any Occupation Certificate.
- (q) Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- (r) The Principal Certifier/and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

Condition Reason: Protection of existing environment public infrastructure, community assets and significant trees.

18. **Acid Sulphate Soil Investigation**

A preliminary acid sulphate soil investigation is to be undertaken to confirm that the land is not affected by acid sulphate soils. The report is to be submitted to Council prior to the issue of the construction certificate.

Should the assessment determine that the land is affected by acid sulphate soils, an Acid Sulphate Soils Management Plan is to be prepared for the development prior to the commencement of excavation to outline necessary management and mitigation measures to the satisfaction of the certifying authority.

Condition Reason: To ensure the management of acid sulphate soils.

19. **Acoustic Recommendations**

All design acoustic recommendations detailed in the Acoustic Report prepared by Koikas Acoustics P/L (Project No. 6129, dated 26/04/2024) including proposed acoustic walls/fencing shall be incorporated into construction certificate plans. Details of compliance shall be provided by the acoustic consultant to the certifying authority prior to the issuing of a construction certificate.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

Condition	
20.	<p>Traffic conditions</p> <p>The vehicular access driveways and carpark areas, (including, but not limited to, the ramp grades and carpark layout) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.</p> <p>Condition Reason: To ensure all driveways and carpark areas are designed and constructed in accordance with the relevant requirements.</p>
21.	<p>Waste Management Plan (WMP)</p> <p>A Waste Management Plan detailing the waste and recycling storage and removal strategy for the development, is required to be submitted to and approved by Council's Lead Specialist Strategic Waste.</p> <p>The Waste Management Plan (WMP) is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Developments and must include the following details (as applicable):</p> <ul style="list-style-type: none">• 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. <p>Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's website at: https://www.randwick.nsw.gov.au/data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf</p> <p>Condition Reason: To ensure that waste and recycling is appropriately managed.</p>
22.	<p>Public Utilities</p> <p>A Public Utility Impact Assessment must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.</p> <p>The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.</p> <p>Condition Reason: To ensure that necessary arrangements are made for public utility services.</p>
23.	<p>Undergrounding of Site Power</p> <p>Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Raymond Avenue. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.</p> <p>Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.</p>

 Condition

BEFORE BUILDING WORK COMMENCES

 Condition

 24. **Building Certification & Associated Requirements**

The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work:

- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a Registered (Building) Certifier must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an occupation certificate; and
- c) a principal contractor must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the Principal Certifier and Council must be notified accordingly (in writing); and
- d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and
- e) at least two days notice must be given to the Principal Certifier and Council, in writing, prior to commencing any works.

Condition reason: Statutory requirement. To ensure appropriate safeguarding measures are in place prior to the commencement of any building, work, demolition or excavation.

 25. **Dilapidation Reports**

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

The dilapidation report must be submitted to the Principal Certifier, Council and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

Condition Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

 26. **Construction Noise & Vibration Management Plan**

Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

Condition

A *Construction Noise & Vibration Management Plan* must be developed and implemented throughout demolition and construction work.

- (a) The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority *Guidelines for Construction Noise and Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.
- (b) Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies.
- (c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- (d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to the Principal Certifier and Council prior to commencement of any site works.

- (e) Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Principal Certifier and Council accordingly.

Condition Reason: To protect the amenity of the neighbourhood during construction.

27. **Construction Site Management Plan**

A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective site fencing and hoardings
- location of site storage areas, sheds, plant & equipment
- location of building materials and stock-piles
- tree protective measures
- dust control measures
- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- location and size of waste containers/bulk bins
- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities

- | Condition | |
|-----------|--|
| | <ul style="list-style-type: none"> measures to be implemented to ensure public health and safety. <p>The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.</p> <p>A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p> |
| 28. | <p>Construction Site Management Plan</p> <p>A <i>Sediment and Erosion Control Plan</i> must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.</p> <p>Condition Reason: To protect the environment from the effects of sedimentation and erosion from development sites.</p> |
| 29. | <p>Public Liability</p> <p>The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.</p> <p>Condition Reason: To ensure the community is protected from the cost of any claim for damages arising from works or activities on public land.</p> |
| 30. | <p>Street Tree Management</p> <p>The applicant must submit a payment of \$230 to cover the following costs:</p> <p>(a) A loss of amenity fee in recognition that the only reason this established native tree is being removed from public property is to accommodate the development of the property, with a replacements in front of this site, within either side of the new driveway, is not possible due to line of site issues which may cause vehicles leaving the site from oncoming traffic, with the presence of other trees along the verge, would see as sufficient in an area of busy traffic, with this fee to be used towards additional public plantings in the surrounding area. (NO GST)</p> <p>This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre prior to a Construction Certificate being issued for the development.</p> <p>The applicant must contact Council's Landscape Development Officer on 9093-6633 (quoting the receipt number) to arrange for planting of replacement street trees elsewhere in the LGA.</p> <p>After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6687.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p> |
| 31. | <p>Construction Traffic Management</p> <p>A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.</p> |

Condition
<p>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:</p> <ul style="list-style-type: none"> • 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 • Any activities proposed to be located or impact upon Council's road, footways or any public place • Measures to maintain public safety and convenience <p><i>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.</i></p> <p>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.</p> <p>All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times</p> <p>Condition Reason: To ensure a Construction Site Traffic Management Plan is prepared.</p>
<p>32. Civil Works</p> <p>A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.</p> <p>All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.</p> <p>Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.</p> <p>Condition Reason: To ensure approval is obtained in relation to all works which are located externally from the site.</p>

DURING BUILDING WORK

Condition
<p>33. Site Signage</p> <p>It is a condition of the development consent that a sign must be erected in a</p>

Condition

prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name, address, contractor, licence number and telephone number of the principal contractor, including a telephone number on which the principal contractor may be contacted outside working hours, or owner-builder permit details (as applicable) and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

34. Restriction on Working Hours

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

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

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

Condition reason: To protect the amenity of the surrounding area.

35. Noise & Vibration

Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with the

Condition	
	<p><i>Construction Noise & Vibration Management Plan</i>, prepared for the development and as specified in the conditions of consent.</p> <p>Condition Reason: To protect the amenity of the neighbourhood during construction.</p>
36.	<p>Construction Site Management</p> <p>Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:</p> <ul style="list-style-type: none">(a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.(b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.(c) All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.(d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.(e) Site access gates and doors must open into the construction site/premises and must not open out into the road or footway at any time.(f) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings. <p>Notes:</p> <ul style="list-style-type: none">• <i>Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.</i>• <i>A separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.</i> <p>Condition Reason: To require measures that will protect the public, and the surrounding environment, during site works and construction.</p>
37.	<p>Public Safety & Site Management</p> <p>Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:</p> <ul style="list-style-type: none">a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.d) The road, footpath, vehicular crossing and nature strip must be maintained in

- | Condition |
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| a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. |
| e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council. |
| f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident. |
| g) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land. |
| h) 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. |
| i) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details. |
| Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction. |
| 38. Excavations and Support of Adjoining Land
In accordance with section 4.17 (11) of the <i>Environmental Planning and Assessment Act 1979</i> and section 74 of the <i>Environmental Planning and Assessment Regulation 2021</i> , it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times. |
| Condition Reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021. |
| 39. Building Encroachments
There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place. |
| Condition Reason: To ensure no encroachment onto public land and to protect Council land. |
| 40. Survey Report
A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building: |
| <ul style="list-style-type: none"> • prior to construction (pouring of concrete) of footings for the building and boundary retaining structures, • prior to construction (pouring of concrete) of new floor levels, • prior to issuing an Occupation Certificate, and • as otherwise may be required by the Principal Certifier. |
| The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council. |
| Condition Reason: To ensure compliance with approved plans. |

Condition	
41.	<p>Road/Asset Opening Permit</p> <p>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.</p> <p>The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.</p> <p>For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.</p> <p>Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.</p>
42.	<p>Traffic Management</p> <p>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.</p> <p>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.</p> <p>All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.</p> <p>Condition Reason: To ensure adequate provisions are made to ensure pedestrian safety and traffic flow.</p>
43.	<p>Stormwater Drainage</p> <p>Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.</p> <p>The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.</p> <p>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.</p> <p>Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.</p>
44.	<p>Street Tree Management</p> <p>Approval is granted for the removal of the immature Tuckeroo tree within the northern Raymond Ave council verge, plotted east of the existing driveway, in direct conflict with works, can be removed during works, an amenity fee has been added, and with this fee to be used towards additional public plantings in the surrounding area.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**Condition****45. Occupation Certificate Requirements**

An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Condition reason: Statutory requirement. To ensure the site is authorised for occupation.

46. Post-construction Dilapidation Report

A post-construction Dilapidation Report is to be prepared by a professional engineer for the adjoining and affected properties of this consent, to the satisfaction of the Principal Certifier, prior to the issue of an Occupation Certificate.

The dilapidation report shall detail whether:

- (a) after comparing the pre-construction dilapidation report to the post-construction report dilapidation report required under this consent, there has been any damage (including cracking in building finishes) to any adjoining and affected properties; and
- (b) where there has been damage (including cracking in building finishes) to any adjoining and/or affected properties, that it is a result of the building work approved under this development consent.

The report is to be submitted as a PDF in Adobe format or in A4 format and a copy of the post-construction dilapidation report must be provided to the Principal Certifier and to Council (where Council is not the principal certifier). A copy shall also be provided to the owners of the adjoining and affected properties and Council shall be provided with a list of owners to whom a copy of the report has been provided.

Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.

47. Sydney Water Certification

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

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

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

Condition Reason: To ensure the development satisfies Sydney Water requirements.

48. Waste Management

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

Condition

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

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

Condition Reason: To ensure that waste and recycling is appropriately managed.

49. **Waste Management**

Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the Certifier prior to the commencement of any works.

Condition Reason: To ensure that waste and recycling is appropriately managed.

50. **Street and/or Sub-Address Numbering**

Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.

Condition Reason: To ensure properties are identifiable and that numbering is in accordance with the relevant standards and guidelines.

51. **Council's Infrastructure, Vehicular Crossings, street verge**

The applicant must meet the full cost for a Council approved contractor to:

- (a) Construct a splayed 14.7m wide concrete vehicular crossing and layback at kerb opposite the Raymond Avenue vehicular entrance to the site to Council's specifications and requirements.
- (b) Remove the redundant concrete vehicular crossing and layback in McCauley Street and reinstate the area with 1.3m wide concrete footpath, turf and integral kerb and gutter to Council's specifications and requirements.

The applicant 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.

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

Condition

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.

That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

Condition Reason: To ensure works are completed in accordance with Council's requirements and an appropriate quality for new public infrastructure.

52. **Stormwater Drainage**

Should an infiltration area or pump-out system be provided, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):

- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Details of infiltration/absorption systems; and
- Details of pumping systems installed (including wet well volumes).

Should a infiltration area or pump-out system be provided, 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 infiltration/pump-out system is maintained and that no works which could affect the design function of the infiltration/pump-out 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.
- (c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

Condition	
	Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.
53.	<p>Carparking</p> <p>The proposed carpark shall be finished in a manner fit for its intended use. The car spaces shall be formalised with line-marking and numbering/labelling with such works completed prior to the issuing of an occupation certificate.</p> <p>Condition Reason: To ensure that the carpark is fit for its intended use.</p>
54.	<p>Stormwater Drainage</p> <p>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.</p> <p>Notes:</p> <p>(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.</p> <p>(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.</p> <p>(c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.</p> <p>A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):</p> <ul style="list-style-type: none">• Finished site contours at 0.2metre intervals;• The location of any detention basins/tanks with finished surface/invert levels;• Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);• Volume of storage available in any detention areas;• The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;• Details of any infiltration/absorption systems; and• Details of any pumping systems installed (including wet well volumes). <p>The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.</p> <p>The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure compliance with the consent and relevant standards, and adequate management of stormwater.</p>

	Condition
55.	<p>Undergrounding of Power The Principal Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Raymond Avenue. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.</p> <p>Condition Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.</p>
56.	<p>Operational Noise Management Plan An Operational Noise Management Plan shall be developed and implemented for the operations of the business, which outlines how the operations of the business will address the following;</p> <ul style="list-style-type: none"> • Ensure compliance with the relevant conditions of approval, • Include all operational noise recommendations in the Acoustic Report prepared by Koikas Acoustics P/L (Project No. 6129, dated 26/04/2024). • Ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances, • Minimise the potential environmental and amenity impacts upon nearby residents, • Clearly state how the on-site operations will be effectively managed to comply with conditions of consent, • Effectively manage and respond to resident complaints, • Encourage and educate external carrier vehicles on quiet noise practices e.g., implementation of broadband-type (squawker) reversing alarms on vehicles, no idling on site when waiting to enter/exit the premises and one way driving routes where possible to reduce the need for the use of reversing alarms. <p>The operational noise management plan shall be reviewed/approved by the acoustic consultant for the application and include any recommended acoustic measures required, prior to the issue of the occupational certificate. A copy of the plan shall be forwarded to Council once approved and be complied with at all times.</p> <p>Condition Reason: To protect the acoustic amenity of neighbouring properties.</p>
57.	<p>Staff Noise Awareness Programme A staff noise awareness programme is to be developed by the acoustic consultant and implemented which aims to minimise noise emissions from general operations. The programme should be included as part of plan of management and address noise emissions from the following;</p> <ul style="list-style-type: none"> • Care during the truck movements on the site, including site signage requirements. • Care during the truck servicing/repairs • Immediate reporting and repair of any machinery defects which may cause excess noise generation. • Clear instruction to truck operators of required vehicle movement paths. <p>Condition Reason: To protect the acoustic amenity of neighbouring properties.</p>
58.	<p>Acoustic Report An acoustic report/compliance statement shall be prepared by a suitably qualified and experienced consultant in acoustics, must be provided to Council prior to the occupation certificate being issued for the development, which demonstrates and confirms that all acoustic design requirements have been satisfied.</p>

Condition	
	Condition Reason: To protect the acoustic amenity of neighbouring properties.
59.	<p>Landscaping Certification</p> <p>Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the submitted Landscape Plans.</p> <p>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.</p> <p>That part of the nature-strip upon Council's footway which is damaged during the course of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.</p> <p>Condition Reason: To ensure that vegetation has been assessed against Council's environmental and biodiversity controls.</p>

OCCUPATION AND ONGOING USE

Condition	
60.	<p>Operational Hours</p> <p>The base operational hours of the premises are as follows:</p> <ul style="list-style-type: none">• 7:00am and 10:00pm, Monday to Sunday (inclusive).• Truck repairs and servicing between 7:00am and 6:00pm only.• At all other times, no operation or use is permitted. <p>Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.</p>
61.	<p>Extended Operational Hours – Reviewable Condition</p> <p>Notwithstanding Condition 60 above, the extended operational hours of the premises are as follows:</p> <ul style="list-style-type: none">• 24-hours, Monday to Sunday (inclusive).• Truck repairs and servicing between 7:00am and 6:00pm only. <p>The extended operational hours will be reviewed by Council in six months and at the end of twelve months from the date of this consent. Appropriate supporting evidence (including but not limited to, relevant acoustic validation measurement/report as per Condition 62 below) must be provided at the end of these review periods to demonstrate compliance with all conditions of this consent as part of the review.</p> <p>Should the application fail to validate 24-hour operations as complying with required noise level criteria, the hours of operation shall revert to the base hours (as per Condition 60 above).</p> <p>Condition Reason: To ensure that the approved use is operated within the approved hours of operation, to ensure safety and security and protect the amenity of surrounding areas.</p>
62.	<p>Acoustic Validation Reports</p> <p>Acoustic validation reports, prepared by a suitably qualified and experienced</p>

Condition

consultant in acoustics, must be provided to Council **within 6 and at 12 months after commencement of use**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997*, Industrial Noise Policy and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report/s and recommendations). The assessment and report should include all relevant fixed and operational noise sources.

The report should include but not be limited to:

- All relevant fixed and operational noise sources operating simultaneously e.g., traffic noise off and onsite, mechanical plant and equipment, truck repairs/servicing, forklift movements etc
- Vehicle noise including truck noise using the premises during the approved 24-hour operation,
- Noise from vehicles trucks using the proposed development during the day/evening nighttime period including assessment of reversing alarms,
- Noise validation with required noise criteria shall be provided for the proposed development and all operations over the 24-hour period,
- Assessment of compliance must be based on nearest sensitive receivers.
- Shall include, but not be limited to assessment of sleep disturbance during the nighttime period.
- The acoustic report shall include assessment of any noise complaints received by Council or the operator during the 12-month trial period.

Any recommended measures for acoustic improvement must be implemented and form part of this consent.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

63. **Noise Levels**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Condition Reason: To protect the acoustic amenity of neighbouring properties.

64. **Public Nuisance**

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*.

Condition Reason: To protect the amenity of neighbouring properties.

65. **Operational Conditions**

The use and operation of the premises shall accord with the following:

- (a) The operator(s) shall ensure that no on-street queuing or parking of vehicles occurs outside the premises.

Condition

- (b) A maximum of 8 trucks and 10 vehicles are to be accommodated on the site at any one time in accordance with the endorsed plans.
- (c) All trucks must turn off engines when vehicles are stationary, other than required for servicing. All trucks must turn off stationary external motors such as refrigeration units if attached to the vehicle.
- (d) Approved traffic routes shall be complied with at all times.
- (e) There is to be no air brake or compression brake testing for trucks on the site.
- (f) The site shall be provided with clear signage outlining site vehicle movement requirements to minimise noise in accordance with acoustic requirements and operational management plans.
- (g) All truck repairs/ servicing shall be undertaken in proposed work areas.
- (h) There is to be no container storage or container transfer on the premises. The premises shall be used for the storage and repair/servicing of empty trucks only.
- (i) All work/repair areas shall be graded and drained to sewer in accordance with Sydney Water requirements. If required Sydney Water licence shall be obtained prior to commencement of operational work on the site.
- (j) All repair areas or storage areas for chemicals shall be stored and provided with bunding in accordance with NSW EPA and Safe work requirements.
- (k) Emergency spill kits for pollution incidents shall be kept on the site adjacent to work areas. Staff shall be instructed in their location and use.

Condition Reason: To ensure that the premises is operated within the approved consent, to ensure safety and security and protect the amenity of surrounding areas.

66. **Vehicle Movements**

Trucks shall only enter and exit the premises via Raymond Avenue. No trucks are permitted to access the site via McCauley Street.

All truck movements into the site must be conducted by turning right from Raymond Avenue. All truck movements out of the site must be conducted by turning left onto Raymond Avenue.

Trucks accessing and exiting the site are not permitted to travel along the part of McCauley Street between Perry Street and the southern end of Raymond Avenue.

Condition Reason: To protect the acoustic amenity of neighbouring properties.

67. **Incident Reporting**

The operator(s) must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the management. The appropriate remedial action, where possible, is to be implemented immediately and the operator(s) is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the management must make available the incident book to the Council officers.

Condition

Condition Reason: To protect the acoustic amenity of neighbouring properties.

D53/24

Development Application Report No. D54/24

Subject: 12 Todman Avenue, Kensington (DA/791/2023)

Executive Summary

Proposal:	Change of use of first floor tenancy to a medical centre with hours of operation 8:00am to 6pm, Monday to Sunday, internal fit out works, signage and associated works (Heritage Item).
Ward:	West Ward
Applicant:	Alinea Group Pty Ltd
Owner:	R W Menzies Management Services Pty Ltd
Cost of works:	\$391,600.00
Reason for referral:	The development involves demolition of a heritage item and more than 10 submissions have been received by way of objection.

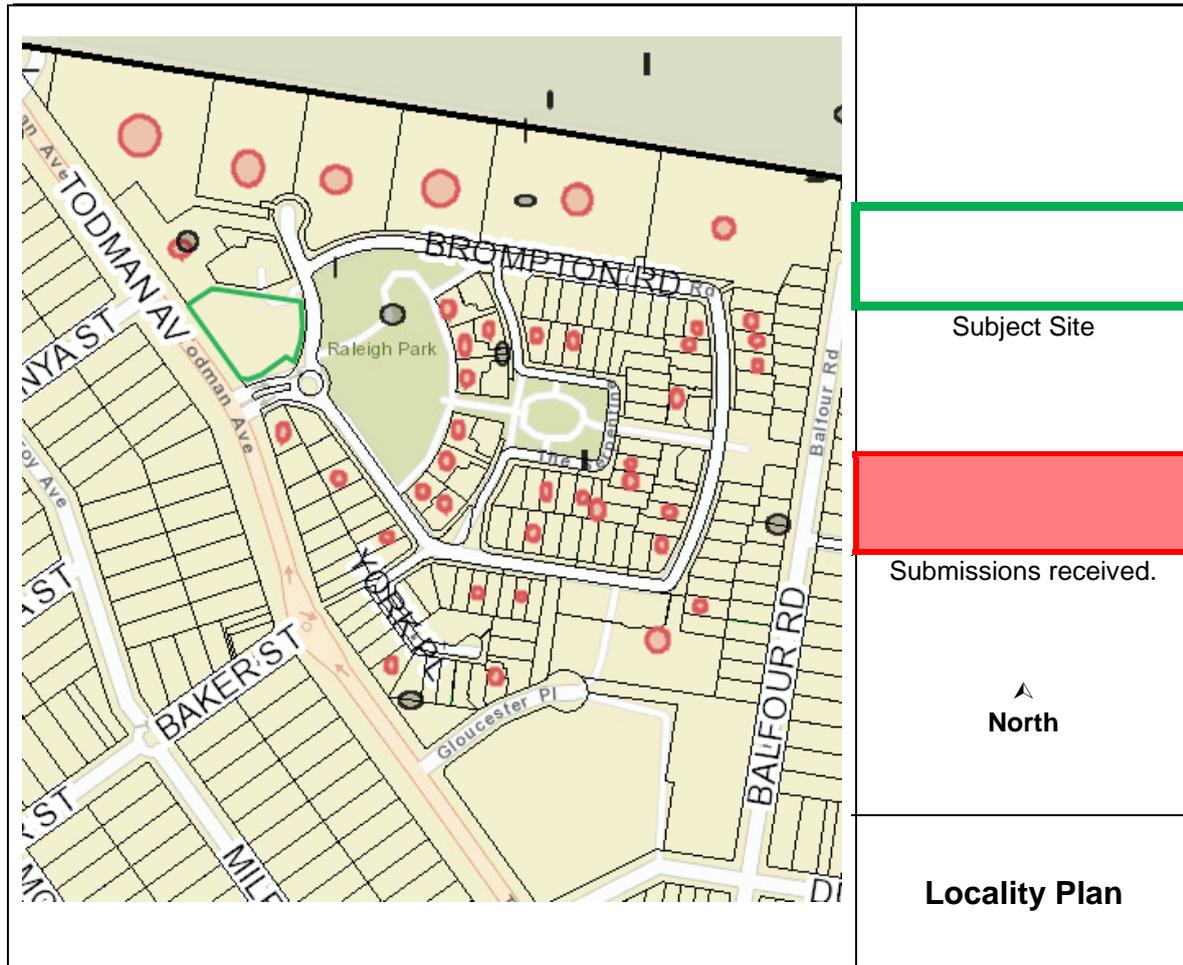
Recommendation

- A. That the RLPP grant consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/791/2023 for change of use of first floor tenancy to a medical centre with hours of operation 8:00am to 6pm Monday to Sunday, internal fit out works, signage and associated works, at No. 12 Todman Avenue, Kensington, subject to the development consent conditions attached to the assessment report.

Attachment/s:

-   RLPP Development Consent conditions DA/791/2023 12 Todman Avenue

D54/24



1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as the development involves demolition of a heritage item and more than 10 submissions have been received by way of objection to the proposed development.

The proposal seeks development consent for change of use of first floor tenancy (currently used for office space) to a medical centre with hours of operation from 8:00am to 6pm, Monday to Sunday, with occasional out of hours uses, internal fit out works, signage and associated works.

The ground level of the premises is used for a separate purpose and is approved as an art studio, which conducts several auctions during the year.

The application was notified to surrounding properties noting the site is located within the Raleigh Park estate, which is a community title subdivision containing a mixture of multi storey residential flat buildings, including other uses such as a childcare centre on the adjoining site, and lower density residential dwellings comprising single, semi-detached and multi dwelling housing.

The application was notified in accordance with Council’s Community Engagement Strategy and numerous submissions were received raising concerns with the proposal in relation to planning permissibility, and adverse impacts relating to parking demand, traffic and other amenity impacts associated with the medical centre users.

The proposal is defined as a health services facility and is permissible within the R1 General Residential zoned as it is a prescribed zone under Division 10 of the SEPP Transport and Infrastructure.

The application was referred to Councils' Technical officers, including Development Engineer in relation to parking and traffic and Heritage planner in relation to heritage conservation.

The key issues associated with the proposal relate to whether the proposed development will provide for sufficient parking on site in conjunction with the current use of the lower ground level as an Art studio / auction house and whether the proposed works to the heritage item will satisfy the heritage conservation objectives under the Randwick LEP.

The applicant has submitted additional and amended details such as a traffic and parking report addressing the parking demand of the existing approved uses on site and amended internal works to the premises. It is noted that the originally proposed works to the internal fabric have been scaled back considerably whereby the most intrusive work relates to the provision of a lift within the western elevation of the existing envelope.

Council's Development Engineer does not object to the proposed development in regard to parking and traffic, subject to appropriate line marking of the existing onsite parking area. In relation to heritage conservation, Councils Heritage planner raised no objection to the amended works subject to appropriate conditions being included in the recommendation.

The proposal is recommended for approval subject to non-standard conditions.

2. Site Description and Locality

The subject site is known as 12 Todman Avenue and is legally described as Lot 17 in DP 270003. The site is around 2,500m², is an irregular oval in shape and has around a 54m frontage to Todman Avenue to the south west and a curved road frontage to Black Lion Place to the east. The site contains a two-storey heritage item (I145) listed under Schedule 5 of the LEP and identified as Former Administration building for WD and HO Wills (British tobacco manufacturing company), within Raleigh Park – a private housing estate.

The site is generally flat having a slight slope of approximately 1.5m from north to south across 67m, representing a gentle gradient of 2.3%.

The following images identify the site and surrounding area and heritage item.

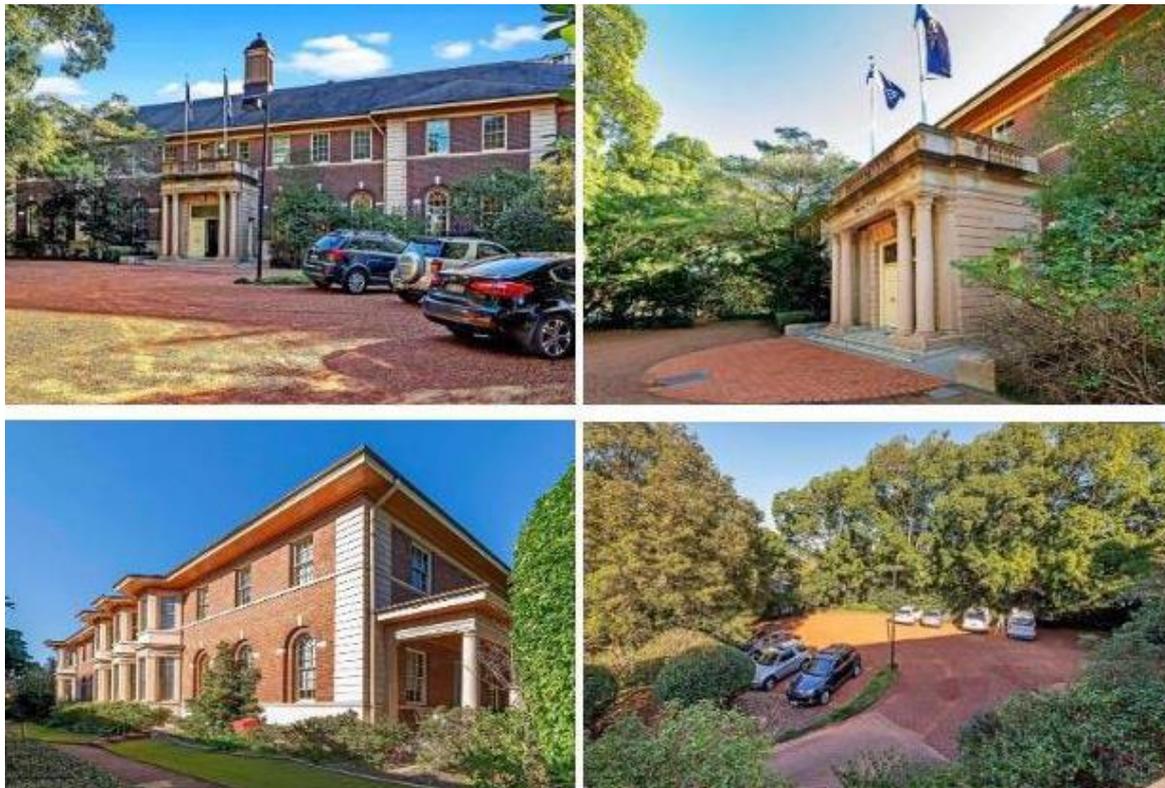


The above aerial photo shows the subject site as (SS), the Raleigh park estate (green dashed line), council boundary to the north, Moore Park Super Centre and Golf Course. Note: Tower residential apartment buildings are located along the northern part of the estate, low density to the south and east and a public park immediately east of the SS.

D54/24



Aerial view of subject site showing driveway entry off Todman Avenue, off Brompton Road, heritage item "Menzies" and Parking area.



Photos of the heritage item and parking area as provided in the applicants SEE.

3. Site history

- DA/15/1988: Redevelopment of the site into 143 Medium density housing project
- DA/15/1988/A: Modification of consent
- BA/56/1990: Site Office for the Raleigh Park redevelopment
- BA/1126/1990 – Alterations to offices
- DA/990/1990: Carpark, roadworks and landscaping to admin building (building subject of this DA)
- DA/69/1991: approved first floor for health consulting rooms. It is noted that it was considered that the proposed commercial use would be an effective means of funding the maintenance and ongoing preservation of the heritage item.
- DA/270/2004: Extension of use to encompass the exhibition, auction and sale of antiques and artworks. Key conditions imposed include:
 - Operating hours: Monday to Friday 9am to 9:30pm and weekends 10am to 5pm.
 - Parking and Traffic: 18 parking spaces be retained on site at all times (noting that the parking requirements were more onerous than the current controls) and requirement for a Traffic controller to make all reasonable efforts to discourage patrons from parking in the areas and internal roadways of the adjoining Raleigh Park Residential Estate.

Note: The first floor was previously occupied as office space by private cleaning company (Menzies Management Services).

4. Proposal

The proposal seeks development consent for the change of use of first floor tenancy to a new medical centre (i.e. women's health and wellness centre called Maeve) with hours of operation from 8:00am to 6pm Monday to Sunday with occasional out of hours uses, internal fit out works, signage and associated works.

The proposed medical centre will offer a range of integrated women's health services including GP, OBGYN, physiotherapy, psychology, dermatology, dieticians, practice nurse and midwives, lactation consultants, women's health education and onsite pathology collection.

The proposed works (since amended – see below) includes internal refurbishment and installation of a lift to comply with access requirements.

Issues raised with the originally lodged DA.

- Heritage – required additional information and clarification of certain matters such as appropriateness of lift location and extent of fitout and alterations to the layout changes to original fabric i.e., existing walls (partitioning), flooring, internal fittings and floors;
- Signage details; and
- Parking – Traffic and parking assessment report formalising proposed parking layout, including line marking and dedication to existing and proposed uses (occasional uses and number of persons in attendance) on site.

Amended plans and additional documentation

The applicant provided the following additional information to Council:

- Response to submissions.
- Traffic and parking report providing one additional parking space.
- Amended works addressing previously raised matters that reduced the scope of internal works to floors and walls thereby minimising the impact on original fabric and includes:
 - Relocation of the lift from middle of heritage stairwell to the western wing.
 - Retention of original floorboards instead of vinyl lining.
 - Replacement carpet in boardroom.
 - Installation of non-adhesive vinyl in procedure room.

- Predominately remove chased plumbing except for one sink in new procedure room (back-to-back with pre-existing kitchen sink).
- Existing retrofitted plaster board walls in the eastern wing not to be demolished and rebuilt but rather one layer removed and retrofitted for improved acoustic performance.
- Internal windows to be replaced with removable perspex panels for acoustic privacy.
- Occasional uses comprising womens health education seminars once every 2 weeks for 2-3 hours from 6pm for around 30-40 people including staff and to ensure that seminars do not overlap with art auctions to manage parking demand.

See submission section of report summarising the issues raised in submission and key issues section of report summarising the relevant considerations in relation to parking and Heritage conservation.

5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Engagement Strategy. A total of 147 submissions by way of objection were received as a result of the notification process from the following addresses:

- 42 Balfour Rd, KENSINGTON NSW 2033
- 204/3 Black Lion Place, KENSINGTON NSW 2033
- 503/3 Black Lion Place, KENSINGTON NSW 2033
- 901/3 Black Lion Pl, KENSINGTON NSW 2033
- 1104/3 Black Lion Place, KENSINGTON NSW 2033
- 1203/7 Black Lion Pl, KENSINGTON NSW 2033
- 7 Black Lion Pl, KENSINGTON NSW 2033
- 2/7 Black Lion Place, KENSINGTON NSW 2033
- 101/7 Black Lion Place, KENSINGTON NSW 2033
- 202/7 Black Lion Pl, KENSINGTON NSW 2033
- 202/7 Black Lion Pl, KENSINGTON NSW 2033
- 203/7 Black Lion Place, KENSINGTON NSW 2033
- 303/7 Black Lion Place, KENSINGTON NSW 2033
- 304/7 Black Lion Pl, KENSINGTON NSW 2033
- 401/7 Black Lion Place, KENSINGTON NSW 2033
- 603/7 Black Lion Place, KENSINGTON NSW 2033
- 604/7 Black Lion Place, KENSINGTON NSW 2033
- 702/7 Black Lion Place, KENSINGTON NSW 2033
- 803/7 Black Lion Pl, KENSINGTON NSW 2033
- 902/7 Black Lion Pl, KENSINGTON NSW 2033
- 204/7 Black Lion Pl, KENSINGTON NSW 2033
- 401/7 Black Lion Place, KENSINGTON NSW 2033
- 504/7 Black Lion Pl, KENSINGTON NSW 2033
- 1202/7 Black Lion Place, KENSINGTON NSW 2033
- 1203/7 Black Lion Pl, KENSINGTON NSW 2033
- unknown address in Brompton Rd, Kensington NSW 2033
- 5 Brompton Road, KENSINGTON NSW 2033
- 12 Brompton Rd, KENSINGTON NSW 2033
- 15 Brompton Rd, KENSINGTON NSW 2033
- 20 Brompton Rd, KENSINGTON NSW 2033
- 20 Brompton Road, KENSINGTON NSW 2033
- 23 Brompton Rd, KENSINGTON NSW 2033
- 24 Brompton Road, KENSINGTON NSW 2033
- 29 Brompton Rd, KENSINGTON NSW 2033
- 33-59 Brompton Road, KENSINGTON NSW 2033
- 27/33-59 Brompton Road, KENSINGTON NSW 2033

- 25/33-59 Brompton Rd, KENSINGTON NSW 2033
- 20/33-59 Brompton Rd, KENSINGTON NSW 2033
- 16/33-59 Brompton Road, KENSINGTON NSW 2033
- 34 Brompton Rd, KENSINGTON NSW 2033
- 38 Brompton Rd, KENSINGTON NSW 2033
- 48 Brompton Rd, KENSINGTON NSW 2033
- 56 Brompton Rd, KENSINGTON NSW 2033
- 56 Brompton Rd, KENSINGTON NSW 2033
- 58 Brompton Rd, KENSINGTON NSW 2033
- 63 Brompton Rd, KENSINGTON NSW 2033
- 83 Brompton Road, KENSINGTON NSW 2033
- 83 Brompton Road, KENSINGTON NSW 2033
- 85 Brompton Rd, KENSINGTON NSW 2033
- 87 Brompton Rd, KENSINGTON NSW 2033
- 87 Brompton Rd, KENSINGTON NSW 2033
- 87 Brompton Rd, KENSINGTON NSW 2033
- Resident 87 Brompton Road, KENSINGTON NSW 2033
- G 5/91 Brompton Road, KENSINGTON NSW 2033
- 304/91 Brompton Rd, KENSINGTON NSW 2033
- 406/91 Brompton Road, KENSINGTON NSW 2033
- 106/93 Brompton Road, KENSINGTON NSW 2033
- 201/93 Brompton Road, KENSINGTON NSW 2033
- 204/93 Brompton Road, KENSINGTON NSW 2033
- 302/93 Brompton Road, KENSINGTON NSW 2033
- 308/93 Brompton Rd, KENSINGTON NSW 2033
- 504/93 Brompton Road, KENSINGTON NSW 2033
- 703/93 Brompton Road, KENSINGTON NSW 2033
- 707/93 Brompton Rd, KENSINGTON NSW 2033
- 801/93 Brompton Road, KENSINGTON NSW 2033
- 805/93 Brompton Rd, KENSINGTON NSW 2033
- 1002/95 Brompton Road, KENSINGTON NSW 2033
- 303/95 Brompton Rd, KENSINGTON NSW 2033
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- Support of 501/95 Brompton Road, KENSINGTON NSW 2033
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- 901/95 Brompton Rd, KENSINGTON NSW 2033
- 1003/95 Brompton Rd, KENSINGTON NSW 2033
- 1203/95 Brompton Rd, KENSINGTON NSW 2033
- 1204/95 Brompton Rd, KENSINGTON NSW 2033
- 2/97 Brompton Road, KENSINGTON NSW 2033
- 201/97 Brompton Road, KENSINGTON NSW 2033
- 203/97 Brompton Rd, KENSINGTON NSW 2033
- 403/97 Brompton Road, KENSINGTON NSW 2033
- Support of 403/97 Brompton Road, KENSINGTON NSW 2033
- 503/97 Brompton Rd, KENSINGTON NSW 2033
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- 803/97 Brompton Rd, KENSINGTON NSW 2033
- 904/97 Brompton Rd, KENSINGTON NSW 2033
- 1103/97 Brompton Rd, KENSINGTON NSW 2033
- 1202/97 Brompton Rd, KENSINGTON NSW 2033
- 1301/97 Brompton Road, KENSINGTON NSW 2033

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- 1102/97 Brompton Road, KENSINGTON NSW 2033
- 1203/97 Brompton Road, KENSINGTON NSW 2033
- 1301/97 Brompton Rd, KENSINGTON NSW 2033
- 1303/97 Brompton Road, KENSINGTON NSW 2033
- 3 The Serpentine, KENSINGTON NSW 2033
- 4 The Serpentine, KENSINGTON NSW 2033
- 6 The Serpentine, KENSINGTON NSW 2033
- 7 The Serpentine, KENSINGTON NSW 2033
- 8 The Serpentine, KENSINGTON NSW 2033
- 10 The Serpentine, KENSINGTON NSW 2033
- 16 The Serpentine KENSINGTON NSW 2033
- 18 The Serpentine, KENSINGTON NSW 2033
- 22 The Serpentine, KENSINGTON NSW 2033
- 29 The Serpentine, KENSINGTON NSW 2033
- 31 The Serpentine, KENSINGTON NSW 2033
- 35 The Serpentine, KENSINGTON NSW 2033
- 37 The Serpentine, KENSINGTON NSW 2033
- 41 The Serpentine, KENSINGTON NSW 2033
- 8-10R Todman Avenue, KENSINGTON NSW 2033
- 14 Todman Ave, KENSINGTON NSW 2033
- 16 York Pl, KENSINGTON NSW 2033
- 28 York Place, KENSINGTON NSW 2033
- Security contractor for Raleigh Park Estate (Sentinel Security Group)
- Traffic consultant on behalf of Raleigh Park residents
- No address provided x 3
- Resident of Raleigh Park Estate x 8

Issue	Comment
<p>Zoning R1 General Residential Zone under the Randwick Local Environment Plan (RLEP 2012) states that medical centres are not permissible.</p> <p>Proposal does not comply with specific aims of LEP Clauses 1.2(aa) and 2(i). (2(aa) to protect and promote the use and development of land for arts and cultural activity including music and other performance arts, and 2 (i) to protect, enhance and promote the environmental qualities of Randwick.</p> <p>There are other medical centres nearby in commercial areas (Zetland / Anzac Pde) and there is no need for another one in the area.</p> <p>Concern about the knock-on effect if this DA is approved. What will happen to the ground floor and basement of the Menzies building in the future. Concern this DA sets a negative precedent.</p>	<p>The proposed use is considered to be defined as a Health Services Facility, which is permissible in the R1 General residential zone (a prescribed zone) under the SEPP Transport and Infrastructure (SEPP TI).</p> <p>Noted, however the aim relating to arts and cultural activity and the like is not relevant to the proposal. The other aim in relation to environmental qualities of Randwick are not considered to be compromised by the proposed development.</p> <p>Noted, this is not a relevant planning consideration noting that the number of medical centres will be dictated by economic drivers of the demand for, and quality of services offered. It is further noted that the niche proposal is for women’s health, which offers additional services beyond general health consulting rooms.</p> <p>This is not a relevant planning consideration noting that the existing ground level has a valid consent to operate as an Art Auction house.</p>

Issue	Comment
<p>Illegal and secondary parking impacts.</p>	<p>On site parking requirements are met, therefore the applicant should not be burdened with addressing on street parking problems. These are matters that may be addressed by either calling Ranger services or sending in letter to Council seeking an expression of interest in having parking conditions amended.</p>
<p>Security & Safety</p> <p>An influx of people might cause safety issues to the community, requiring increased security.</p> <p>"Recommendation that any change of use has the following condition:</p> <ul style="list-style-type: none"> - Pedestrian crossing installed at the entrance of Raleigh Park for pedestrian safety." <p>Increased traffic means emergency vehicles may struggle to access residents.</p> <p>Increased potential for traffic accident near childcare centre and in the Estate</p> <p>Mental health patients / drug affected individuals might put the children at risk.</p> <p>Risk of protests and domestic violence</p>	<p>Whilst the concerns expressed by residents' objections on these matters are acknowledged, the impacts in particular regard to traffic and safety are not considered significant to warrant any additional Traffic measures and can be accommodated without a security guard. Other impacts such as mental health and drug affected individuals, domestic violence and protests are considered unrealistic impacts to infer from the proposal and not necessarily based on facts relating to the proposed development. It is generally considered that the management and dispensary of pharmaceutical drugs are separately guided by overarching procedural requirements and regulations.</p> <p>The proposal for a health service facility would generally be considered to have the aim of improving health for the community.</p>
<p>Parking</p> <p>Impact on parking / insufficient parking</p> <p>Patients / staff might take residents parking.</p> <p>Suggestion that Raleigh Estate residents will need to install boom gates to protect their visitor parking areas.</p> <p>Proposed bike lane on Todman Ave will reduce parking in the area further.</p> <p>"Recommendation that any change of use which increases car parking has the following condition:</p> <ul style="list-style-type: none"> - Access and egress only to be permitted from Todman Ave entrance." <p>Childcare centre parking will be compromised.</p>	<p>Councils Development engineer has assessed the parking provided for the proposed health services facility in conjunction with the existing approved use on site and raises no objection to the parking for the site and nor is reasonable justification provided for restricting access to the site through Todman Avenue, noting that roads within the Raleigh Park estate are under the ownership, care, and control of Council and no different to the roads within the wider Local Governments Area.</p>

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Issue	Comment
<p>Traffic</p> <p>Additional traffic flows might exacerbate already congested traffic, especially in the morning when residents are coming and going, during school pick up times and on weekends.</p> <p>DA should not be approved until a Traffic Report has been submitted.</p> <p>Narrow roads in Raleigh Park, leading to congestion and posing a safety risk.</p> <p>Congestion flow in and out of the property from Brompton Rd entrance to Menzies building, preference for use of Menzies' exclusive entrance.</p> <p>Environmental impact by excess traffic</p>	<p>An additional Traffic report was submitted following a review of the lodged DA. Council's Development Engineer has reviewed the additional information and raises no objection to the proposal on the grounds of traffic impacts such as traffic jams, congestion and the like.</p> <p>See comments above in relation to restricting access to Todman Avenue.</p> <p>It is not considered that there will be any significant environmental impacts such as pollution or other secondary impacts as a result of the Traffic associated with the proposed use.</p>
<p>Accessibility</p> <p>The gravel car park in front of Menzies building is difficult for wheelchair users to navigate.</p>	<p>The traffic report and parking management plan prepared by the applicant indicates that a ramp will be installed to ensure acceptable access arrangements to the premises.</p>
<p>Medical & Other Waste</p> <p>Medical Waste might cause contamination to the environment. Higher number of visitors may introduce problematic illegal dumping or rubbish tossing.</p>	<p>Health services facilities are required to provide dedicated medical waste management. The applicant indicates that a medical waste bin will be provided in every consultation room and that a certified medical waste company will be engaged to dispose of any waste in a safe and compliant manner.</p>
<p>Heritage</p> <p>Building alterations, including the installation of a lift, disability bathroom and the necessary plumbing for a medical facility, will negatively impact heritage features.</p>	<p>The applicant has worked with the council to ensure any relevant heritage considerations are addressed noting that the relocated lift location is resulting in a reduced impact to the existing historically significant features of the building.</p>
<p>Operating Hours</p> <p>Residents have raised that the proposed operating hours are above and beyond normal commercial use.</p> <p>Many Raleigh Estate residents are retired so the proposed operating hours are disruptive to their lives.</p>	<p>The proposed operating hours are not considered inordinate or inconsistent with other health services facilities. Whilst the proposal includes occasional uses outside of normal business hours these are infrequent will be conducted outside of scheduled art house viewings and auctions viewings.</p>
<p>Large signs will be erected for wayfinding.</p>	<p>Additional information submitted to Council shows the location of signage proposed. There are no objections to the proposed signage on heritage, planning or traffic grounds.</p>
<p>Non-Raleigh Estate residents will utilise the grounds and its amenities including the Randwick Council Park, tennis courts and swimming pool which are funded by strata residents.</p>	<p>Not a relevant planning consideration. The proposed DA does not seek to use any other Raleigh Estate facilities.</p>

Issue	Comment
Disruption of the peacefulness / ambience of the Estate (e.g., due to medical supplies & blood deliveries).	The deliveries to the site are a normal function of the use of a business and not considered to inordinately disrupt amenity of residents in the area. It is noted that deliveries already occur via Menzies private car park to the Art Auction House during the proposed operational hours.
Devaluation of property	Not a relevant planning consideration.
Raleigh Estate residence insurance will be liable for any injuries that happen on the premise, adding additional cost to the residents	The applicant indicates that they will hold their own public indemnity insurance. It is also anticipated that medical practitioners will also hold their own insurance policies.
Lack of community consultation	The applicant indicates that the building owners (Menzies) wrote to Strata at the time the terms of the lease were negotiated. Menzies and Health service facility operator (Maeve) attended community consultation meetings with Strata and Raleigh Estate residents over the course of several weeks. Menzies also provided a tour of the property when requested by Strata and several residents have popped in for a chat with Menzies and Maeve over the past few months on an ad-hoc basis. Menzies and Maeve's doors have always been open to community consultation. The proposal has also been notified in accordance with Council's Community Engagement Strategy.
Loss of privacy as Menzies building is next to the park and near the swimming pool that Raleigh Estate residents use, objections that the Tennis courts are leased by the public.	Applicant's DA in no way relates to broader Raleigh Estate facilities, only to Menzies private building.
Noise concerns due to emergency vehicles.	The proposal is for a health facility which may from time to time require emergency vehicle uses and is not likely to require emergency vehicles to the extent that is say that associated with a hospital development. In any event, the road network and egress points are capable of accommodating emergency vehicles.
Support - Resident of Black Lion PI, KENSINGTON NSW 2033	
Issue	Comment
"I am quite happy that a Centre of this kind would be supported by myself as it is an important issue"	Noted
No objection to change of use, there is plenty of parking in nearby streets, would add considerable value to the community.	Noted

Issue	Comment
<p>Caution about regarding the opinions of objectors, including the traffic consultant report. The owners of Raleigh Park have not endorsed this report on their behalf, nor have they been polled on our views about the development. Change of use irrelevant as a commercial use of the premises could occur at any time without approval and impacts to parking and traffic may be the same. Parking and traffic issues have been overstated by Strata. The proposed development is strongly supported and offers considerable value to the community.</p>	<p>Noted</p>

5.1. Renotification

Re-notification of amended plans was not considered necessary when compared to the originally notified proposal, given the the revisions relate to a reduced scope of works to the heritage item and the changes were predominantly internal to the established building envelope.

6. Relevant Environment Planning Instruments

6.1. SEPP (Transport and Infrastructure)

Chapter 2 Infrastructure, Part 2.3 Development Controls, Division 10 Health Services Facilities, Section 2.59 & 2.60(1) of the SEPP outlines the site is located within a prescribed zone being R1 General Residential and that *Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.*

Comment:

SEPP (Transport and Infrastructure) 2021, the R1 General Residential zone is identified as a prescribed zone and states a ‘health service facility’ is permitted with consent. As there is an inconsistency with the Randwick Local Environmental Plan 2012 and SEPP (Transport and Infrastructure) 2021, the relevant SEPP (Transport and Infrastructure) 2021 prevails to the extent of the inconsistency. The proposed use is therefore permissible within the R1 zone.

Health services facilities is defined in the Standard Instrument as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The proposed development fits into the definition of medical centre defined in the Standard Instrument as follows:

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—

Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

6.2. SEPP (Industry and Employment) 2021

Chapter 3 Part 3.1 Preliminary the Section 3.1 Aims, Objectives of the Industry and Employment SEPP seeks to ensure that signage, is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Under Section 3.2 Dictionary, the proposal seeks three ‘Building and Business identification signs, which are defined by the SEPP as follows:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note—

Building identification signs are a type of signage—see the definition of that term in this Dictionary.

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of signage—see the definition of that term in this Dictionary.

Pursuant to Part 3.2 Signs Generally, and Section 3.6, the consent authority must not grant consent to an application for signage that is not exempt and unless the signage is consistent with the Aims, Objectives of Part 3.1 and has been assessed as acceptable in relation to the assessment criteria in Schedule 5.

The proposal includes three signs generally consistent with the size and location of existing signage for the Menzies fine art and facilities services on site. The new signage will identify the proposed health facility ‘Maeve’ however it does not clarify if the DA seeks consent for new and/or amended signage and sizes. At the outset, the location and sizes of existing signage are generally considered acceptable in relation to the relevant Aims, objectives and Assessment criteria as detailed below subject to a condition that imposes the following restrictions:

- Only one sign shall be erected at each signage zone point (that is 1, 2 and 3) identifying both uses on site that is Menzies Fine Art and Maeve;
- The sign sizes at point 1 and 2 shall be limited to the existing sign size;
- Proposed sign 3 shall be no larger than the sign at point 1 and shall include a directional arrow assisting in wayfinding;
- Proposed sign 2 shall include an directional arrow pointing to the driveway entry;
- A small sign (details to be provided to Council for approval at the CC stage) shall be installed at the main entrance of the building identifying the direction of the access ramp and lift access to the Maeve first floor premises.

An assessment against the relevant Aims, Objectives and Schedule 5 assessment criteria is provided in the tables below.

Industry & Employment SEPP – Chapter 3	Compliance
(a) to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and	The proposed signage as submitted and conditioned fits into the definition of business identification signage and is compatible with the desired amenity and visual character of the locality. The

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Industry & Employment SEPP – Chapter 3	Compliance
(iii) is of high-quality design and finish	sign’s locations around the site are considered to provide effective communication in suitable locations and the existing signs show that they are of high-quality design and finish.

Industry & Employment SEPP – Schedule 5	Comment
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the existing character of the General Residential R1 and surrounding R2 and R3 low and medium density residential zoned land.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The locality does not have a particular theme for outdoor advertising noting it is limited to existing public structures such as bus shelters; however it is not considered the subject design would be in contrast with business identification signage in the immediate locality.
Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas?	The signage does not detract from the amenity or visual quality of the nearby Heritage Conservation Area across the road on Todman Avenue and surrounding R1, R2 and R3 residential zoned land.
Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise important views and will be low level or affixed to the existing built form.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposal does not affect the viewing rights of other advertisers.
Streetscape, setting or landscape	
Are the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is compatible with the scale and proportions of the surrounding streetscape, setting, and landscape.

Industry & Employment SEPP – Schedule 5	Comment
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal does not have an adverse impact on the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not create any undue clutter and is limited to building identification and wayfinding signage emplacements.
Does the proposal screen unsightliness?	No unsightliness is screened by the signage.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings.
Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management other than the overhanging tree at point 3.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signs are compatible with the scale and proportions of the existing fencing and the site in general.
Does the proposal respect important features of the site or building, or both?	The proposed signs are located on the fence and adjacent to a garden bed and not attached to and thus respecting the heritage item building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are sedate and respectful of the relationship they have with the heritage significance of the site and buildings.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	NA
Illumination	
Would illumination result in unacceptable glare?	NA
Would illumination affect safety for pedestrians, vehicles or aircraft?	NA
Would illumination detract from the amenity of any residence or other form of accommodation?	NA
Can the intensity of the illumination be adjusted, if necessary?	NA
Is the illumination subject to a curfew?	NA
Safety	

Industry & Employment SEPP – Schedule 5	Comment
Would the proposal reduce the safety for any public road?	The proposal will not affect the safety of Todman Avenue, roads within the estate such as Brompton Road and Black Lion Place.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal is not envisaged as affecting the safety of pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not obscure sightlines from public areas.

6.3. SEPP (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 4.6 of the SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

The site is not identified in Council’s records as being contaminated and there is no specific evidence to indicate that the site is contaminated. In this regard, the site is considered suitable for the proposed development.

6.4. Randwick Local Environmental Plan 2012 (LEP)

On 18 August 2023, the Department of Planning and Environment (DPE) formally notified the LEP amendment (amendment No. 9) updating the *Randwick Local Environmental Plan 2012*, and the updated LEP commenced on 1 September 2023. As the subject application was lodged on or after 1 September 2023, the provisions of RLEP 2012 (Amendment No. 9) are applicable to the proposed development, and the proposal shall be assessed against the updated RLEP 2012.

The site is zoned R1 General Residential under Randwick Local Environmental Plan 2012 and whilst the proposed medical centre is not listed as a proposal permissible with consent in the zone, it is permissible under the higher order planning instrument of the SEPP Transport and Infrastructure.

The objectives of the R1 general residential zone under the LEP are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow the comprehensive redevelopment of land for primarily residential and open space purposes.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

Assessment comments: The existing housing estate contains several hundred residential dwellings contained within a variety of housing types from those contained within several multi storey flat buildings and single dwellings thus providing for the housing needs of the community. The proposed health facility will provide a service to meet the medical care needs for patients, such as examine, prescribe medications, prescribe treatments, and offer generalist and specialised treatments. The proposed medical centre is able to be accommodated within the existing building noting the limited changes made to the internal layout to accommodate this use. The proposed development requires one additional parking, which in general is considered a minor shortfall across the site.

Overall, it is considered that the proposed development is of a scale of business that can be accommodated on site without resulting in any significant or unreasonable adverse impacts on the amenity of residents.

6.4.1. Clause 5.10 - Heritage conservation

The site is listed (I145) under Schedule 5 of RLEP 2012 as being a heritage item “Former Administration building for WD and HO Wills, Raleigh Park and” and it is located on the opposite side of Todman Avenue, which contains the West Kensington Heritage Conservation Area (HCA).

The proposed works as amended have substantially reduced the nature of internal works, limited impact on existing features and are either considered non-intrusive or reversible. This will ultimately not result in any significant or long lasting impacts on the heritage significance of the heritage item. It is also noted that the nature of external works is limited to an access ramp and minor signage zone emplacements, which will not detract from the nearby HCA.

Overall, it is considered that in terms of heritage conservation, the proposal will be consistent with the objectives of clause 5.10 of the LEP. Refer also to discussion by Council’s Heritage Officer at Appendix 1 of this report.

7. Development control plans and policies

7.1. Randwick Comprehensive DCP 2013

The DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in Appendix 2.

8. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

Section 4.15 ‘Matters for Consideration’	Comments
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 2 and the discussion in key issues below.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development will not alter the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

8.1. Discussion of key issues

Medical centre use and works

The proposed medical centre whilst more intensive than the existing business premises is considered to be in accordance with the objectives of Zone R1 for the following reasons:

- The proposal provides near fully compliant levels of parking under current policy controls in conjunction with the existing uses on site.
- The proposed use is complimentary to the established residential uses and nearby childcare centre.
- The proposed use will provide employment opportunities.
- The proposed use will provide a legitimate service to the community.
- The signage as conditioned will generally remain consistent with the existing onsite signage and does not detract from the character of the area.
- The proposed works largely involve internal alterations maintaining the existing façade of the heritage significant building, which will continue to integrate with the surrounding area.

Overall, it is considered that a change of use, internal fit-out and associated signage complies with the relevant assessment criteria and the objectives of the SEPP Transport and Infrastructure, SEPP Industry and employment and relevant DCP's in relation to Parking and traffic, waste management, outdoor advertising and will not result in any unreasonable adverse impacts upon either the amenity of the adjoining premises or the character of the residential locality.

Parking

The proposal is considered in conjunction with the existing use on site at ground level. The existing art house is a business premises in the residential zone, which has a gross floor area of 510sqm and is required under the DCP to provide at least 5 spaces based upon a rate of 1 space for every 100sqm.

Medical centres under the DCP require 1 space for every 25sqm of GFA. The applicant indicates that the first-floor tenancy has a gross floor area of 400sqm requiring a total 16 spaces for the medical centre based on the DCP guidelines. However, the applicants GFA calculation excludes the storage and utilities room which are required to be included as per the definition under the LEP. When these areas are included, the total GFA provided for the medical centre would be around

418sqm requiring one additional space than provided, which is 17 spaces and non-compliance by 1 space.

Whilst the proposal is technically one space short, it is acknowledged both by the assessment officer and Council's Development Engineer that the corridor spaces are inordinately large areas noting they have dimensions between 2.7m and 4.65m wide and account for around 34% of the medical centre GFA (418sqm), inclusive of the storage and utilities areas. Combined with the heritage restrictions on works and rearranging of the existing layout, it is considered that the 400sqm provided is a conservative estimate of the GFA from which to measure the parking demand requirements and that the nominated 16 spaces would reasonably service the parking needs of the medical centre.

The proposed parking for the medical centre use in conjunction with the current use for the Art house are considered to meet the parking demands for the development in relation to the Council DCP with an overall provision of 21 line-marked spaces in support of both tenancies.

In relation to traffic generation, the additional traffic was reviewed by Council's Development Engineer, who noted it would not be significant across the site and nor would it cause any appreciable delay in traffic within the immediate locality or adjacent to the site entrance.

9. Conclusion

That the application to change of use of first floor tenancy to a medical centre with hours of operation 8:00am-6pm Mon-Sunday with occasional out of hours uses, internal fit out works, signage and associated works be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R1 General residential zone in that the proposed health facility will be provided for the needs of the community and will not result in any significant adverse impacts on the amenity of residents.
- The nature of proposed works to the heritage item including signage is considered to be suitable for the location and is compatible with the desired future character of the locality.
- The development will not detract from the visual quality of the public domain/streetscape.
- The proposed development will make a positive contribution to the general residential zone.

Appendix 1: Referrals

1. Internal referrals:

1.1. Heritage planner

Background

The following referral must be read in conjunction with previous recommendation made on the Pre-DA TRIM D04932761 and DA TRIM D05084945

Submission

- D05304258-60 - Amended reports
- D05304261 – Amended HIS
- P00344031-51 - Amended architectural drawings.

Controls

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

Clause 5.10(4) of Randwick Local Environmental Plan 2012 requires Council to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area.

The Heritage section of Randwick Development Control Plan 2023 provided Objectives and Controls in relation to heritage properties.

Comments

1. The proposed amended plans/scope of works appear to have minimised impact on the original fabric. No further interventions are proposed to the building/rooms for plumbing or other utilities to be included in the building/internal space other than what is identified on architectural drawings in TRIM P00344031-51.
Note - On 27 May onsite meeting the applicant clarified that these services are to be portable and not to be attached to any heritage fabric.
2. The alterations/additions proposed for the kitchen and bathroom areas appear to have minor impact and mostly non-original fabric, and acceptable.
3. The minor change to the opening of the door at the rear/veranda is supported.
4. The proposed ramp including rails and tactile ground surface indicator must be removable and reversible with no intervention whatsoever into the verandah base/Terrazzo tiles.
5. The proposed signage plan is supported from a heritage perspective.
6. The introduction of the lift and changes to the floor and ceiling is acceptable from a heritage perspective for providing equitable access to the internal spaces, subject to the following considerations –
 - Lift introduction must minimise any intervention to the ceiling/floor structural element and integrity. There should be no intervention whatsoever into the finished surface of the existing ceiling or floor.
 - As noted in the lift drawings Rev P1 Drawing No. SK1 and Drawing No. SK2 dated 20.03.24, it is recommended that the lift shaft is designed to be load-bearing to omit / minimise any structural interventions to the existing structural elements / load bearing wall.

Recommendation

In addition to the above-mentioned recommendation number 6, the following conditions should be included in any consent:

- a) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.

- b) The original veranda base / terrazzo tiles are to be left intact (without any intervention) and must be properly protected during the process of demolition and construction. The tiles are to be professionally cleaned and sealed using appropriate proprietary product.
- c) Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act.
- d) In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act.
- e) A brief and targeted Conservation Management Plan/Schedule for the historical component including windows, doors, ceilings, floors, and external surfaces (including roof, chimney, verandah, and stairway to the house) shall be provided to owners to guide long-term and short-term works to the building, to ensure that ongoing works are consistent with the Principles, Processes and Practices of the Australia ICOMOS Burra Charter 2013. This Plan shall be prepared by a suitably qualified and experienced heritage specialist, to the satisfaction of the Council Heritage Planner and the Director City Planning and shall be submitted with the construction certificate application.

The applicant may contact Council's Heritage Planner on 9093 6784 for details of requirements for this condition.

- f) Prior to commencement of demolition or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council. The report must explain how the retained building elements, such as building facades, ceilings, floors, windows, walls, or other significant/original fabric of the building are to be retained, supported, and not undermined by the proposed development and give details of any intervention or retrofitting needed.
- g) Photographic Archival Documentation

A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Digital Capture.

- The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site and must be submitted to Council prior to any Occupation Certificate being issued.

An electronic copy of the archival recording is to be submitted to Council for inclusion in the Local History Collection of Randwick City Library and for Council's own records incorporating the following:

- A PDF electronic copy of the archival record incorporating a detailed historical development of the site, purpose of the archival recording, copyright permission for Council to use the photographs for research purposes, photographic catalogue sheet cross-referenced to the base floor and site plans showing the locations of archival photographs taken, and index print of the photographs;
- Digital copies of the archival photographs in JPEG and/or TIFF formats.

1.2. Development Engineer

An amended application has been received for change of use of first floor tenancy to a medical centre with hours of operation 8:00am-6pm Mon-Sunday with occasional out of hours uses, internal fit out works, signage and associated works (Heritage Item).at the above site.

This report is based on the following plans and documentation:

- Amended Architectural Plans Issue C by CLD Studio dated 26/06/2024.
- Statement of Environmental Effects by CTA stamped by Council 6th Oct 2023
- Updated Traffic and Parking Impact assessment by Headway Traffic and Transport dated 9/04/2024.

General Comments

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

Parking Provision Comments

Existing Situation

The building footprint occupies approximately 500m² in area and currently comprises of offices on the ground and first floor with Menzies Art Brands auction house currently occupying the ground floor.

There is presently around 20 car parking spaces provided within the existing carpark on the site. The carpark is of a gravel surface and has an absence of line marking.

If adopting the DCP parking rate of 1 space per 100m² for commercial office premises in residential premises the development would approximately require a minimum of 10 spaces (for the two floors) hence the provision of 20 spaces is considered more than adequate to serve the needs of the existing building.

Proposed Development

The proposed development is for a top floor lease for a new women's health and wellness centre of approximately 400m² in area comprising of 13 consulting rooms. A manual check of this area by the Development Engineer has indicated the actual area is likely larger than stated being measured at approximately 468m². When taking into account areas such as bathrooms, storage, & the large hallways, which could be considered ancillary to the development & not normally generate parking demand on their own, (amounting to approx. 135m² in this case) , the area occupied by the consulting rooms and the meeting room is approximately 333m² only.

For a conservative approach however and to be consistent with the traffic impact assessment the area of 400m² has been adopted for the parking & traffic calculations.

Applying the DCP parking rate of 1 space per 25m² would therefore generate a parking demand of 16 spaces.

This figure is also consistent with the average peak parking accumulation for Sydney Medical Centres as determined in the document "Trip Generation Surveys for Medical centres" published by Transport for NSW in 2015 which determined a parking rate of 4.1 spaces per 100m² , amounting to 16.4 spaces in this instance. (See Table 3.2 pg. 15).

Development Engineering is therefore satisfied that the 16 spaces will adequately serve the proposed development without impacting on the availability of on-street parking.

The ground floor auction house will remain unchanged and so would continue to generate a demand for 5 spaces under the DCP.

A total of 21 spaces is therefore required to serve the site. This has been provided in an amended parking layout submitted in the traffic and parking impact assessment report. The parking provision is therefore considered to satisfactory.

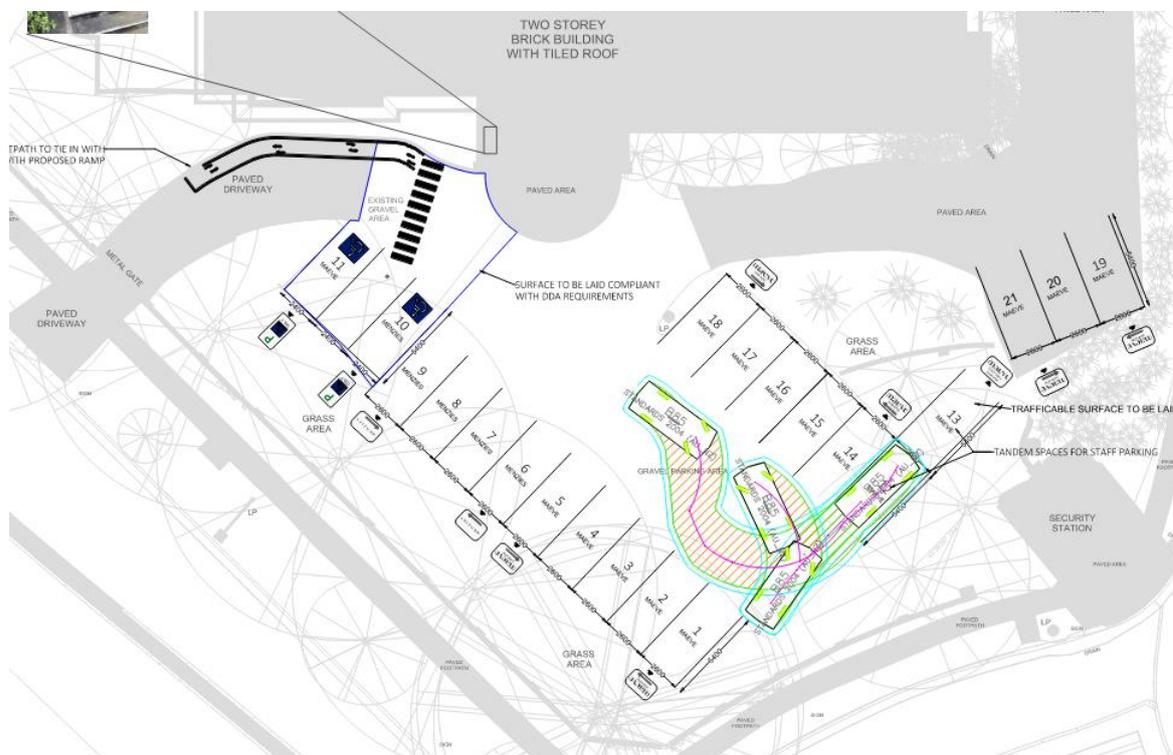
The transport study also states that auctions for the art house are held up to 2 times per year. As these auctions are held outside of the operational hours of the proposed medical centre the Traffic study suggests the parking spaces can be shared by each use as their peak demand is outside of each other’s functional operating hours. This is satisfactory.

The submitted transport and traffic study also includes a parking survey which indicates the availability of on-street parking is limited in the locality with Brampton Road especially observed to be at or close to capacity during the survey period. A peak occupancy of 75% was reached at 1Pm and 3Pm on the date of the parking survey. The peak vacancy was reached at 9am at 31%.

This appears to be reflected in the residents’ objections and reiterates the need to accommodate all parking demand on site which has been achieved with this application.

Parking Layout Comments

The parking layout plan provided in Appendix B of the Traffic and Parking Assessment report by Headway appears to be satisfactory and generally complies with the minimum requirements of Australian Standard 2890.1 (see extract below).



The tandem spaces 12 & 13 are acceptable provided they are both allocated to staff which is indicated as such on the layout plan. This will also be conditioned.

Traffic Comments

Vehicle trip generation for the proposed development has been estimated in the submitted traffic and parking assessment using trip rates for medical centres as specified in the Transport for NSW ‘Guide to Traffic Generating Developments’ previously RTA being:

- 10.4 vehicles/hour/100m2 GFA for AM Peak
- 8.8 vehicles/hour/100m2 GFA for PM peak

The estimated traffic generation for the medical centre (based on 400m2 GFA) therefore amounts to 42 vehicles per hour during the AM peak and 35 vehicles per hour during the PM peak.

It should be noted that these rates are based on RTA traffic survey data from 1991 or earlier and are generally considered to be out of date.

An updated document entitled “Trip Generation Surveys for Medical Centres” was published by Transport for NSW in 2015 which surveyed 18 medical centres. It actually found little correlation between vehicle trips and GFA and could not determine a reliable traffic generation rate based on a number of variables including GFA, however a survey of an almost identically sized centre at Hornsby (site 9 in the transport for NSW study) determined a peak trip rate of 35 trips/hr (Table 3.1), which is coincidentally identical to the rate adopted for the PM peak in the traffic report. Development Engineering is therefore satisfied that the vehicle trip estimation is reasonably accurate based on current data.

To consider a worst-case scenario the traffic report has assumed that all vehicles will enter and exit the site via the Brompton Road access driveway and that incoming and outgoing vehicles will turn right at the Brompton Road/Todman Avenue Intersection.

Todman Avenue Vehicle entrance

There is another vehicle entrance on Todman Avenue directly serving the carpark (see pics below) however due to a central median on Todman Avenue any vehicles utilising this entrance would be restricted to left in and left out movements only. The driveway is only wide enough to accommodate a single vehicle width for about a length of 20m including the council crossing.

The Traffic report or the Statement of Environmental Effects does not indicate what will the future status of this entrance will be.



From a traffic flow perspective it would be beneficial if this narrow entrance be made one way in or one way out to avoid vehicle conflict, however it is acknowledged this would also force vehicles wishing to go the opposite way to use the Brompton Road Entrance within the Raleigh Park Estate.

It may therefore be preferable to just have a priority system, with Development Engineering’s preference to give priority to traffic entering from Todman Avenue as vehicles having to reverse out onto Todman avenue to give way to exiting traffic should be avoided from a safety perspective.

It has therefore been conditioned that entering traffic be given priority.

Measures may include but not be limited to

- Give Way signage (example below)



- Sighting mirrors
- Line marking
- Traffic light system

Any proposed measures shall be signed off by a suitably qualified traffic consultant to the satisfaction of the Principal Certifier.

Assessment of Traffic Impacts

The submitted Traffic report has undertaken traffic (SIDRA) modelling of the Todman/Brompton Road intersection & has determined there will be no loss of service post-development which will continue to operate at Level of Service A being the highest level of service and representing good traffic flow.

The critical traffic movement was identified as the right-hand turn from Brompton Road into Todman Avenue in both the AM and PM peak periods. The delay of the critical movement will increase by 0.4 seconds post development which is negligible, with practically no change in the queue length.

In consideration of these results and noting they represent a worst-case scenario Development Engineering is satisfied the potential traffic impacts of the development are acceptable and will not significantly impact existing traffic movements.

Waste Management Comments

To ensure proper management of waste including any medical waste, 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 Lead Specialist Strategic Waste prior to the issuing of a construction certificate.

Resident Objections Comments

Given the large number of resident objections for this application and noting they predominantly refer to traffic and parking as their primary concern it is considered appropriate to address some of their common critical concerns more directly.

Residents' concerns on parking impacts spilling out onto the internal roads of Raleigh Park Estate

Parking demand calculations from two sources being Council's DCP and Transport for NSW 2015 survey have both determined a likely parking requirement for the proposed development of 16 spaces, which has been provided. The limited availability of on-street parking in Raleigh Park estate especially on Brompton Road highlighted by residents is acknowledged however given the proposed development fully complies with Council's parking requirements it would be unlikely that any parking demand will spill out into the surrounding streets of Raleigh Park estate, thereby impacting the availability of on-street parking.

Residents' concerns on traffic impacts extending into Raleigh Park estate and further delays in Todman avenue for residents entering Raleigh Park estate.

Traffic modelling of the Brompton Road/Todman avenue intersection has revealed that the intersection will continue to operate at a good level of Service post development with an average of 0.4 second increase in delay at this intersection which is considered negligible. This also assumes a worst-case scenario in that all vehicles will enter and exit the site from Brompton Road however there is an additional vehicle entrance from Todman Avenue, which will likely reduce this delay.

In addition, any traffic increases/impacts will generally be restricted to between the Todman Avenue/Brompton Road intersection and the subject sites access driveway on Brompton Road representing a distance of only approximately 75m. Any Traffic Impacts will therefore generally not extend into the Raleigh Park estate further than this. Vehicles exiting the site at Brompton Road can turn right into Brompton Road before almost immediately exiting the estate onto Todman Avenue.

Residents' concerns on impact on local amenities such as Raleigh Park

The internal roads are owned by Council but Raleigh Park located opposite the subject site on Brompton Road is owned & maintained by the Community Association. There is an easement for public access over the park which legally guarantees public accessibility and Council cannot impose conditions restricting patron access to Raleigh Park.

Notwithstanding there is no reason to assume that patrons of the medical centre would even use the park to any significant degree.

Landscape Comments

There are no existing trees, covered by Part B5 (Preservation of Trees and Vegetation) in Council's DCP 2013, that will be affected by this proposal.

Appendix 2: DCP Compliance Table

3.1 Section B6: Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
4.	On-Going Operation		
2		WMP provided for demolition and construction are satisfactory.	WMP for ongoing use is conditioned.

3.2 Section B7: Transport, Traffic, Parking and Access

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
3.	Parking & Service Delivery Requirements		
3.2		16 spaces provided	No. Refer to key issues discussion above and development engineers review and comments
		5 spaces	Yes

3.3 Section F2 – Outdoor Advertising and Signage

DCP Clause	Control	Proposal	Compliance
2	General Design and siting		
	(i) Signage should recognise the legitimate needs for directional advice, business identification and promotion.	The signage will display content that is related to the service being provided.	Yes
	(ii) Signage must complement and be compatible with the development on which it is situated and with adjoining development.	The signage is compatible with surrounding development in the surrounding R1 zoned land.	Yes
	(iii) Signage should not obscure architecturally decorative details or	The proposal is located on the perimeter predominately and is	Yes

DCP Clause	Control	Proposal	Compliance
	features of buildings or dominate building facades. It should be placed on the undecorated wall surfaces or designed sign panels provided.	not attached to any building other than the conditioned sign to direct users to the access path.	
	(iv) Entire building facades and /or walls must not be painted or covered with cladding or other material to act as a large billboard type.	The signs are not located over large sections of building facades.	Yes
	v) Where a building or site contains multiple tenancies or uses, a coordinated approach for all signs is required.	A suitable condition is included to ensure a coordinated approach to the signs is achieved.	Yes
	(vi) Signage shall be displayed in English but may include a translation in another language.	Sign samples are in English.	Yes
	vii) Signage erected or displayed on identified heritage buildings or within heritage conservation areas must not detract from the architectural character and heritage significance of such buildings or areas.	The proposed signs are not considered to detract from the heritage significance of the item or the nearby HCA.	N/A
	viii) Outdoor advertising attached to vehicles or trailers which are parked for advertising purposes will not be permitted.	N/A	N/A
	(ix) Signage must not be flashing or animated. Note: Flashing or animated signs include mechanical moving signs, moving LED signs, video/television screens, projected laser advertising and other flashing, intermittently illuminated or sequenced lighting signs.	N/A	Yes
3	Signage Based on land use zones		
	Residential zone		
	i) Signage must not be illuminated, and signage must relate to the sue of the building or land.	Subject to condition.	Yes
	ii) Minimise signage along boundaries common with residential properties.	The signage is not along a common boundary with residential property.	Yes
	iii) Business identification signs (including those for a home business) must not be more than 1.5sqm in area.	The signs are not more than 1.5sqm in area	Yes
	Proposals for signage on buildings operating as existing uses or business premises will be assessed against the controls relating to business zones	See below	See below
	Business zones (note: Certain controls deleted as they are not related to the proposed signs)		
	The size and shape of any signage	The size and shape of signs are	Yes

D54/24

D54/24

DCP Clause	Control	Proposal	Compliance
	must relate to the size of the building or space to which it is to be attached to or placed on. Larger building facades are capable of accommodating larger signs without detracting from the appearance of the building.	generally consistent with existing signs and new signs will be conditioned to be similarly consistent with these sizes.	
	Signage must not dominate or obscure a building or its architectural features. Advertising should highlight and reinforce architectural details.	The proposed signs are located around the permitter mostly such that they aren't considered to dominate or detract from or obscure the architectural features of the building.	Yes
	On any building listed as a Heritage Item or situated in a Heritage Conservation Area outdoor advertising (projecting and flush) must not be located above awning level.	The signs are not located above any awning.	Yes

Responsible officer: Louis Coorey, Senior Environmental Planning Officer

File Reference: DA/791/2023

Development Consent Conditions (Commercial)



D54/24

Folder / DA No:	DA/791/2023
Property:	12 Todman Avenue, KENSINGTON NSW 2033
Proposal:	Change of use of first floor tenancy to a medical centre with hours of operation 8:00am-6pm Mon-Sunday with occasional out of hours uses, internal fit out works, signage and associated works (Heritage Item).
Recommendation:	Approval

Development Consent Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
Survey plan 2 Issue A	CLD Studio/BDAA	14.03.24	9 May 2024
Ground floor plan 3 Issue C		26.03.24	9 May 2024
Demolition L1 floor plan 5 Issue A		14.03.24	9 May 2024
Proposed L1 floor plan 6 Issue C		26.03.24	9 May 2024
Details Accessible Toilet 9 Issue B		21.03.24	9 May 2024
Details Kitchen 10 Issue B		21.03.24	9 May 2024
Elevation lift 11 Issue C		26.03.24	9 May 2024
Details Ramp 12 Issue W		12.06.24	17 June 2024
Details Signage 13 Issue D		11.04.24	9 May 2024
SK1 Rev P1			20.03.24
SK2 Rev P1	Partridge	20.03.24	

Lift drawings PG _1 to PG _6	Velocity lift solutions	Undated	9 May 2023
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Amendment of Plans & Documentation

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

Signage

- a. The signage plan and signage shall be amended as follows:
- A maximum of one sign shall be installed and or erected at points 1, 2 and 3 identifying within each sign uses on site that is Menzies Fine Art and Maeve. This condition may necessitate the replacement of existing signs.
 - The size of signs at point 1 and 2 shall be limited be consistent with existing Menzies signage sizes. Proposed sign 3 shall be no larger than the sign at point 1 and shall include a directional arrow assisting in wayfinding to the driveway entrance of Brampton Road.
 - Proposed sign 2 shall be amended to include a directional arrow pointing to the driveway entry.
 - An additional wayfinding sign (details to be provided to Council's Manager Development Assessment for approval prior to the release of any construction certificate) shall be installed at the main entrance of the building directing pedestrians to the access ramp and lift access to the Maeve first floor premises.
 - All signs must be provided in a consistent configuration with the existing building identification emplacements and must not be illuminated.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a relevant 'Construction Certificate' is issued for the development by a Registered (Building) Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the relevant construction certificate.

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

Consent Requirements

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

External Colours, Materials & Finishes

4. The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

Carpark Design

5. The carpark area (including space dimensions and aisle widths) is to be provided in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
6. Traffic entering the site via the single car width entrance on Todman Avenue is to be given priority over exiting traffic with appropriate measures to facilitate this &

demonstrated on plans submitted for the construction certificate. Measures may include but not be limited to

- Give Way signage
- Sighting mirrors
- Line marking
- Traffic light system

Any measures shall be signed off by a suitably qualified traffic consultant to the satisfaction of the Principal Certifier.

Sydney Water

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

Waste Management

8. 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 Lead Specialist Strategic Waste.

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 of the medical centre 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 website at;

https://www.randwick.nsw.gov.au/_data/assets/pdf_file/0007/22795/Waste-Management-Plan-Guidelines.pdf

Section 7.12 Development Contributions

9. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$391,600.00 the following applicable monetary levy must be paid to Council: \$3,916.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6000 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

10. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.

Sydney Water Requirements

11. 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 wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Heritage conservation

12. The introduction of the lift and changes to the floor and ceiling is acceptable from a heritage perspective for providing equitable access to the internal spaces, subject to the following –
 - Lift introduction must minimise any intervention to the ceiling/floor structural element and integrity. As noted in the lift drawings Rev P1 Drawing No. SK1 and Drawing No. SK2 dated 20.03.24, the lift shaft shall be designed to be load-bearing to omit / minimise any structural interventions to the existing structural elements / load bearing wall.
 - Other than the lift shaft, there should be no intervention whatsoever into the finished surface of the existing ceilings or floors.
13. The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
14. The original veranda base / terrazzo tiles are to be left intact (without any intervention) and must be properly protected during the process of demolition and construction. The tiles are to be professionally cleaned and sealed using appropriate proprietary product.
15. Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act.
16. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken, and the Heritage Council of NSW be notified under the requirements of the Heritage Act.
17. A brief and targeted Conservation Management Plan/Schedule for the historical component including windows, doors, ceilings, floors, and external surfaces (including roof, chimney, verandah, and stairway to the house) shall be provided to owners to guide long-term and short-term works to the building, to ensure that ongoing works are consistent with the Principles, Processes and Practices of the Australia ICOMOS Burra Charter 2013. This Plan shall be prepared by a suitably qualified and experienced heritage specialist, to the satisfaction of the Council Heritage Planner and the Director City Planning and shall be submitted with the construction certificate application.

The applicant may contact Council's Heritage Planner on 9093 6784 for details of requirements for this condition.

18. Prior to commencement of demolition or construction work, a report or certification from a practicing structural engineer experienced in dealing with

heritage buildings must be submitted to and approved by Council. The report must explain how the retained building elements, such as building facades, ceilings, floors, windows, walls, or other significant/original fabric of the building are to be retained, supported, and not undermined by the proposed development and give details of any intervention or retrofitting needed.

Photographic Archival Documentation

19. A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Digital Capture.
- o The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
 - o The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site and must be submitted to Council prior to any Occupation Certificate being issued.
20. An electronic copy of the archival recording is to be submitted to Council for inclusion in the Local History Collection of Randwick City Library and for Council's own records incorporating the following:
- o A PDF electronic copy of the archival record incorporating a detailed historical development of the site, purpose of the archival recording, copyright permission for Council to use the photographs for research purposes, photographic catalogue sheet cross-referenced to the base floor and site plans showing the locations of archival photographs taken, and index print of the photographs;
 - o Digital copies of the archival photographs in JPEG and/or TIFF formats.

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 relevant construction certificate for the development.

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

Building Code of Australia & Relevant Standards

21. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the BCA and referenced Standards must be included in the Construction Certificate application

22. Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Registered Certifier for the development. Details of the required access, facilities and car parking for people with disabilities are to be included in the construction certificate for the development.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS

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

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

Building Certification and Associated Requirements

23. The following requirements must be complied with prior to the commencement of any building works (including any associated demolition or excavation work):
- a) a *Construction Certificate* must be obtained from a Registered (Building) Certifier, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Registered (Building) Certifier* must be appointed as the *Principal Certifier* for the development to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an owner-builder permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the *Principal Certifier* and Council must be notified accordingly (in writing); and
 - d) the *principal contractor* must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the *Principal Certifier*; and
 - e) at least two days notice must be given to the *Principal Certifier* and Council, in writing, prior to commencing any works.

Construction Site Management Plan

24. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective site fencing and hoardings
 - location of site storage areas, sheds, plant & equipment
 - location of building materials and stock-piles
 - tree protective measures
 - dust control measures

- details of sediment and erosion control measures
- site access location and construction
- methods of disposal of demolition materials
- location and size of waste containers/bulk bins
- provisions for temporary stormwater drainage
- construction noise and vibration management
- construction traffic management details
- provisions for temporary sanitary facilities
- measures to be implemented to ensure public health and safety

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works.

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Sediment Control Plan

25. A *Sediment and Erosion Control Plan* must be developed and implemented throughout the course of demolition and construction work in accordance with the manual for *Managing Urban Stormwater – Soils and Construction*, published by Landcom. A copy of the plan must be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Demolition Work Plan

26. A Demolition Work Plan must be developed and be implemented for all demolition work, in accordance with the following requirements:

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as applicable):
 - The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
 - Details of hazardous materials in the building (including materials containing asbestos)
 - Method/s of demolition (including removal of any hazardous materials including materials containing asbestos)
 - Measures and processes to be implemented to ensure the health & safety of workers and community
 - Measures to be implemented to minimise any airborne dust and asbestos
 - Methods and location of disposal of any hazardous materials (including asbestos)
 - Other measures to be implemented to ensure public health and safety
 - Date the demolition works will commence/finish.

The Demolition Work Plan must be provided to the Principal Certifier prior to commencing any demolition works or removal of any building work or materials. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

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

Notes: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.

27. **Construction Noise & Vibration Management Plan**
Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.

A *Construction Noise & Vibration Management Plan* must be developed and implemented throughout demolition and construction work.

- a) The *Construction Noise & Vibration Management Plan* must be prepared by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority *Guidelines for Construction Noise* and *Assessing Vibration: A Technical Guideline* (or other relevant and recognised Vibration guidelines or standards) and the conditions of development consent, to the satisfaction of the Certifier.
- b) Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies.
- c) Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Principal Certifier and Council.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to the Principal Certifier and Council prior to commencement of any site works.

- e) Noise and vibration levels must be monitored during the site work and be reviewed by the acoustic/vibration consultant periodically, to ensure that the relevant strategies and requirements are being satisfied and details are to be provided to the Principal Certifier and Council accordingly.
28. **Public Liability**
The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.
29. **Public Utilities**
A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include

relevant information from public utility authorities and exploratory trenching or potholing, if necessary, to determine the position and level of service.

30. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity during construction.

Site Signage

31. A sign must be installed in a prominent position at the front of the site before/upon commencement of works and be maintained throughout the works, which contains the following details:

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

Building & Demolition Work Requirements

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavations within rock, sawing of rock, use of jack-hammers, driven-type piling or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 3.00pm (maximum) • As may be further limited in Noise & Vibration Management Plan • Saturday - No work permitted • Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to work not being audible in any residential dwelling or commercial/industrial tenancy or building) • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

33. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with a *Construction Noise & Vibration Management Plan* prepared for the development and in accordance with the conditions of consent.

Temporary Site Fencing

34. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:
- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.
 - b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
 - c) All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.
 - d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
 - e) Site access gates must open inwards and not onto Council land.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *A separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Site Management

35. Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:
- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
 - b) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.

- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.
- h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.
- i) 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.
- j) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Site Access

36. A temporary timber, concrete crossing or other approved stabilised access is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council throughout the works, unless access is via an existing suitable concrete crossover. Any damage caused to the road, footpath, vehicular crossing or nature strip during construction work must be repaired or stabilised immediately to Council's satisfaction.

Removal of Asbestos Materials

37. Demolition work must be carried out in accordance with relevant SafeWork NSW requirements and Codes of Practice; Australian Standard – AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a *demolition work plan*, which shall be maintained on site and a copy is to be provided to the Principal Certifier and Council.

Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* and relevant Regulations

- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Principal Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Principal Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Principal Certifier and Council upon request.

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

Dust Control

38. Dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Excavations & Support of Adjoining Land

39. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 74 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Complaints Register

40. A Complaints Management System must be implemented during the course of construction (including demolition, excavation and construction), to record resident complaints relating to noise, vibration and other construction site issues.

Details of the complaints management process including contact personnel details shall be notified to nearby residents, the Principal Certifier and Council and all complaints shall be investigated, actioned and responded to and documented in a Complaints Register accordingly.

Details and access to the Complaints Register are to be made available to the Principal Certifier and Council upon request.

Building Encroachments

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the *Principal Certifier* issuing an *Occupation Certificate*.

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

Occupation Certificate

42. An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Carpark

43. The proposed carpark shall be constructed and finished in a manner fit for its intended use. The car spaces shall be formalised with appropriate marking & signage for the car spaces. Such works shall be completed prior to the issuing of an occupation certificate.

Council's Infrastructure, Vehicular Crossings, street verge

44. The applicant 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.
45. Any 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.

Fire Safety Certificate

46. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*, in accordance with the *Environmental*

Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

Structural Certification

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

Sydney Water Certification

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

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

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

Noise Control Requirements & Certification

49. The use and operation of the development (including 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*.
50. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (and plant and equipment) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Policy for Industry and Council's development consent.

A copy of the report must be provided to the *Principal Certifier* and Council prior to an occupation certificate being issued.

Waste Management

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

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

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

52. Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the Certifier prior to the commencement of any works.

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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

- Operational Hours**
53. The hours of operation of business and commercial premises are restricted to 8.00am to 6.00pm on Monday to Sunday. Womens health education seminars may operate once every 2 weeks for 2-3 hours from 6 pm, for around 30-40 people, including staff. The occasional seminars must be the subject of a coordinated approach with Menzies Art to ensure seminars do not overlap with Menzies Art Auctions.
54. Carspaces 12 & 13 as indicated on the Carpark Layout Plan (being tandem spaces) are to be allocated to staff only and indicated as such by appropriate signage.
55. A Parking Management Plan must be developed and implemented for the development, which includes strategies and measures to 'self-manage' staff and visitor parking within the development.
- Strategies and measures may include:
- Shared parking spaces with ground floor Art House tenancy outside of peak times
 - Installation of suitable barriers, bollards, low-height fencing and gates as required;
 - Installation of signage and notices;
 - Any security systems and security personnel;
 - Managing the entry/exit from Todman Avenue
- Use of Parking spaces**
56. The car spaces within the development are for the exclusive use of the occupants and visitors of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.
- Fire Safety Statement**
57. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* on an annual basis each year and as specified in the *Fire Safety Schedule* for the building.

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

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

- Environmental Amenity**
58. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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