

# Ordinary Council Meeting

Tuesday 27 October 2020



## ORDINARY COUNCIL

Notice is hereby given that an Ordinary Council meeting of Randwick City Council will be held in the Prince Henry Centre, 2 Coast Hospital Road, Little Bay on Tuesday, 27 October 2020 at 6pm

### Prayer and Acknowledgement of the local indigenous people

#### Prayer

*"Almighty God,*

*We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of Randwick and Australia. Amen"*

#### 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."*

### Apologies/Granting of Leave of Absences

#### Confirmation of the Minutes

Ordinary Council - 29 September 2020

### Declarations of Pecuniary and Non-Pecuniary Interests

#### Address of Council by 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 for the purposes of clause 5.20-5.23 of Council's Code of Meeting Practice.*

*Audio/video recording of meetings prohibited without permission;*

*A person may be expelled from a meeting for using, or having used, an audio/video recorder without the express authority of the Council.*

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CS48/20	Coogee Oval Grandstand Refurbishment Project - Tender T2021-02 <i>This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret. (Tender/ Procurement )</i>

#### Confidential Director Corporate Services Report (record of voting required)

CO54/20	Supply and Implementation of a Human Resource Management System (HRMS) - Tender T2020-27 <i>This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>
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## **Notice of Rescission Motions**

Nil

Therese Manns  
**GENERAL MANAGER**



## Mayoral Minute No. MM28/20

### Subject: Financial Support and Donations - October to November 2020

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#### Motion:

That Council:

- a) provide a donation of \$500 to be funded from the 2020-21 Contingency Fund, to South Maroubra Surf Life Saving Club to assist with catering for the celebration of 40 years of Women in Surf Life Saving being held at the Club on 1 November 2020; and
- b) plant and establish twelve (12) trees at Heffron Park between the Bunnerong Road car park and the synthetic field in recognition of the Sydney Children's Hospital Network Quality and Innovation Award winners for 2020, with the cost of the tree planting and maintenance to the value of \$8,500 to be funded from Council's 2020-21 tree planting budget.

#### Background:

Should Council accept the recommendation of the report, the event organisers must undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event. The Mayor, or the Mayor's representative, must be given the opportunity to address these event on behalf of Council.

Council has received the following requests for financial assistance in the October to November 2020 period:

#### **South Maroubra Surf Life Saving Club – Celebrating 40 years of Women in Surf Life Saving**

I have been contacted by the South Maroubra Surf Life Saving Club with a request for financial support to assist with the recognition of the milestone celebration of 40 years of Women in Surf Lifesaving. The club will dedicate the Sunday Club social event on 1 November 2020 to celebrating the occasion and, in particular, females past and present of South Maroubra.

In July 1980, Surf Life Saving Australia accepted women into the organization, enabling females to gain the Bronze Medallion Award and wear the iconic red and yellow. Due to COVID-19 restrictions, Surf Life Saving Australia are celebrating the milestone by way of a social media campaign.

Following the resolution by Surf Life Saving Australia, it was up to individual clubs to accept female members as surf life savers. South Maroubra was one of the first clubs in the Sydney Branch and the Randwick Municipality to accept female members as surf life savers in the 1980-1981 season.

The South Maroubra Surf Life Saving Club has been fortunate to have many trail blazing, pioneering women who were there in the 80s and beyond and put the club on the map for Surf Sports, Patrolling, Education and Leadership. Whilst South Maroubra was lucky enough to have the assistance of many females in the Club prior to 1980, the significance of this season was their acceptance as active members to become surf lifesavers and patrol.

The club's Board of Management currently has three female members holding Director positions within the Club, an active female membership (patrolling last season was 43%), overall female membership has continued to grow and currently across all membership categories stands at 45%. These are pleasing statistics, adding to the inclusiveness of the Club, and the milestone is one worthy of celebration.

The growth, professionalism and leadership of South Maroubra Surf Club is a credit to every female member past and present. The Club has developed and gone from strength to strength

because of the introduction of women into surf lifesaving and South Maroubra stands very proud of its entire memberships' contribution.

South Maroubra Surf Life Saving Club will celebrate 40 years of Women in Surf Life Saving with a gathering at the Club on 1 November 2020. The event will have a limited number of guests and be held in accordance with COVID-19 restrictions and guidelines. The Club have advised that financial assistance provided will go towards catering for the event. The celebration of such an important milestone that added to the inclusiveness of the club and our community is one worthy of our support.

#### **Sydney Children's Hospital Network – Tree planting for 2020 Quality and Innovation Award winners**

I have been contacted by the Sydney Children's Hospital Network with a request for support for their upcoming Annual Quality and Innovation Awards. The award presentation has been an annual event since 2013 and recognises innovation and excellence in the delivery of health programs and services provided to patients, families, carers and staff across the Network and NSW. Due to COVID-19 restrictions, the 2020 Awards will be held virtually and are scheduled to take place on 26 November 2020 at 3pm.

Moving the event to an online platform provides the opportunity to move away from providing award winners with trophies and to instead adopt a greener and sustainable approach. The event organisers have proposed the planting of trees on behalf of each of the twelve (12) award recipients. This will help to increase the tree canopy in our local area and provide much needed shade and shelter from heat, improve our air and water quality, improve health and wellbeing and build our resilience to climate change.

The Children's Hospital Network have requested Council's support for this initiative by identifying a tree planting location and the necessary funding including planting and establishment of the trees. I have met with the event organisers from the Sydney Children's Hospital Network and relevant Council officers to discuss the logistics of the proposal and agree on a location for the planting. It is proposed that the planting is undertaken at Heffron Park between the Bunnerong Road car park and the synthetic field.

The trees planted would be registered online as part of the NSW government Greening our City initiative, which aims to plant 1 million trees by next year. The tree planting proposal promotes Randwick City Council's value and respect for the environment and, as such, is an initiative worthy of our support.

It is proposed that video footage will be taken of the tree planting and Council's commitment to the environment and support of the initiative will be appropriately and prominently acknowledged during the award ceremony and via social media platforms. The cost of the tree planting and maintenance of the trees during establishment will be approximately \$8,500 to be funded from the 2020-21 tree planting budget.

#### **Source of funding:**

Should Council accept the report recommendation, the financial implication to Council is \$500 to be funded from the 2020-21 Contingency Fund and \$8,500 to be funded from the 2020-21 tree planting budget.

#### **Attachment/s:**

Nil

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**Responsible officer:** The Mayor, Cr Danny Said

**File Reference:** F2020/06574

## Mayoral Minute No. MM29/20

**Subject: Vale Susan Ryan AO**

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### Motion:

That Council investigate, in consultation with the relevant stakeholders, a suitable location for a permanent tribute to commemorate Susan Ryan AO and bring a report back to Council for consideration.

### Background:

Susan Ryan AO was the first female Labor Minister and the inaugural Minister Assisting the Prime Minister for the Status of Women. In 1975, Susan was elected as one of the first two female senators for the ACT, on the slogan "A woman's place is in the Senate". Susan was a champion for women's rights and other discriminated Australians. She was also an unrelenting advocate for the rights of older and disabled Australians as a former Age and Disability Discrimination Commissioner.

A private member's bill introduced by Susan in 1981 was crucial to the development of the *Sex Discrimination Act 1984*, the *Affirmation Action (Equal Employment Opportunity for Women) Act 1986*, the *Public Service Reform Act 1984* and the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

Following her resignation from politics, Susan was appointed one of the first two pro-chancellors of the University of NSW from 1998-2011. She campaigned for an Australia bill of rights and was deputy chairperson of the Australian Republican Movement from 2000 to 2003. Susan published a political autobiography in 1999 and in 2011 was appointed as Australia's inaugural Age Discrimination Commissioner with the Australian Human Rights Commission for a 5 year term. She was also the Disability Discrimination Commissioner from 2014-2016.

Susan was appointed an Officer of the Order of Australia (AO) in June 1990 and received honorary doctorates from the Australian National University, University of Canberra, Macquarie University and the University of South Australia. Susan was awarded the Australian National University's Alumni of the Year award in 2018.

Susan grew up in Maroubra and attended the Brigidine Convent School. An impromptu memorial garden was started in Coogee on the corner of Beach and Carr Streets near Susan's favourite swimming place. It was proposed that this garden be named in Susan's honour. Consultation with Coogee Surf Lifesaving Club has confirmed that this location is already named in honour of Joe Sneddon, as organised by the Surf Club. As such, it is recommended that Council investigate an alternative, suitable location for a permanent tribute to commemorate Susan Ryan AO.

Susan had a strong focus on gender equality in politics, was well accomplished and respected, and was considered a "ground breaker". At the last Council meeting, we held a minute silence to remember Susan. Susan will be remembered as a passionate advocate for equality for all Australians. After Susan's recent passing on 27 September 2020 at the age of 77, Susan leaves a legacy that will endure and she will be greatly missed.

### Source of funding:

There is no financial implication to Council in relation to this matter, at this stage.

### Attachment/s:

Nil

MM29/20

**Responsible officer:** The Mayor, Cr Danny Said

**File Reference:** F2020/06574

MM29/20

## General Manager's Report No. GM10/20

**Subject: 2019-20 Annual Report**

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### Executive Summary

The 2019-20 Annual Report includes:

- Our achievements and performance during the 2019-20 financial year in relation to implementation of our delivery program;
- Council's response to COVID-19 in the final quarter of the 2019-20 financial year which included changing the way we operated to ensure we could manage the health risk and continue to deliver the essential services and projects needed by our community;
- Statutory Information as required under Division 7 of the Local Government (General) Regulation 2005 and other legislation;
- The 2019-20 audited Financial Statements which were received and noted by Council on 29 September 2020; and
- The State of the Environment Supplementary Report 2019-20 which provides an update to the community in relation to the environmental directions and issues adopted in Randwick City's 20-year City Plan.

### Recommendation

That:

- a) the Randwick City Council 2019-20 Annual Report (including the 2019-20 audited Financial Statements) be endorsed by Council
- b) the General Manager be authorised to make any minor administrative changes to the Annual Report if required; and
- c) a copy of the Annual Report be posted on Council's website and subsequent advice made to the Minister of Local Government as to the specific URL.

### Attachment/s:

1. Link to the 2019-20 Annual Report
2. Link to the 2019-20 Financial Statements

## Purpose

The purpose of this report is to present the 2019-20 Annual Report to Council for endorsement.

## Discussion

The Annual Report is a key accountability mechanism between Council and the community in response to the implementation of our 20-year Randwick City Plan.

The vision and long-term goals of the City Plan are realised through our delivery program. This Annual Report outlines our achievements in implementing the delivery program based on the 2019-20 Operational Plan actions.

Due to COVID-19 delaying the scheduled 2020 elections, our 3-year delivery program was extended by 1 year. Therefore 2019-20 is the second year of our current 4-year 2018-22 Delivery Program.

The first section of the Annual Report details how Council responded to COVID-19 and presents information on our performance during the 2019-20 financial year in alignment with the six Randwick City Plan themes of:

- Responsible management
- A sense of community
- Places for people
- A prospering City
- Moving around
- Looking after our environment.

The second section of the Annual Report presents mandatory statutory information as required under Division 7 of the Local Government (General) Regulation 2005 and other legislation.

The third section is our supplementary State of the Environment Report (SoE).

The 2019-20 audited Financial Statements also form part of the Annual Report (included under separate cover). These statements were received and noted by Council on 29 September 2020.

## Response to COVID-19 and 2019-2020 Highlights

Randwick Council, like every organisation in Australia, has been impacted by the coronavirus pandemic and it has changed the way we function as a Council. Our priority was and always will be the safety and wellbeing of our staff and community.

In response to COVID-19, we changed the way we operated to ensure we could manage the health risk and continue to deliver the essential services and projects needed by our community. We moved events and meetings online, carefully managed our facilities and open spaces, and implemented a range of measures including direct financial support to help businesses and community groups impacted by COVID-19.

In March 2020, Council endorsed its initial \$2.3M COVID-19 support package which waived a range of Council fees and provided free parking for hospital workers. This program later expanded to over \$52M in direct support and capital expenditure – including the creation of more than 3,000 jobs as part of Council's 2020-21 capital works program.

Despite the unprecedented disruption due to COVID-19, most projects scheduled for the 2019-20 year proceeded as planned and where possible services (not affected by COVID-19 restrictions) were delivered to agreed standards.

Some of the highlights for the 2019-2020 year included the following:

- Commencing work on the Maroubra Stormwater Harvesting Project.
- Holding a wide range of community events attended by more than 90,000 people, such as the popular Twilight Concerts, Coogee Carols, Eco Living Expo, New Year's Eve fireworks and the new Randwick Puppet Festival.
- Supporting the community through 1,379 programs and activities run by the library that promote social inclusion, wellbeing, and lifelong learning.
- Reducing Council's greenhouse gas emissions by 29% compared to the previous year.
- Receiving numerous awards for our environmental initiatives, particularly around energy savings and responding to Climate Change.
- Providing a range of online activities and events to keep the community engaged through the pandemic. Some of the online highlights included the Anzac Day Dawn Service and a virtual tour of the La Perouse museum.

### 2019-20 audited Financial Statements

Council's audited 2019-20 General Purpose Financial Statements for the year ending 30 June were received and noted by Council at its meeting on 29 September 2020.

These statements form part of the 2019-20 Annual Report which is now presented for Council for endorsement.

### State of the Environment (SoE) Supplementary Report 2019-20

In the year of an ordinary election, the Annual Report is required to include a State of the Environment Report. This report provides a comprehensive assessment of the state of the environment in the Randwick LGA.

Given that elections were not held in 2019-20, Council is not required to prepare a State of the Environment Report; however, we have produced a supplementary SoE report for the 2019-20 year that compliments the comprehensive State of the Environment report that was prepared in 2016-17.

The 2019-20 supplementary SoE report provides accountability against the six environmental objectives (10a to 10f) of our 'A Healthy Environment' theme (see below), and tracks change across our environmental indicators over the past 12 months. The overall results are positive for all measures, except 10d where revocation of the Mixed Waste Organic Outputs exemption order by the EPA has resulted in a reduction in the amount of waste diverted from landfill.

City Plan Outcome	Direction
10. A Healthy Environment.	<p>10a. Council's programs and partnerships foster sustainable behavioural changes and outcomes.</p> <p>10b. Policies and programs are developed and implemented in response to environmental risks and their potential impacts.</p> <p>10c. Bushland, open spaces and biodiversity are protected and enhanced for future generations.</p> <p>10d. Waste is managed sustainably to ensure highest level of resource recovery.</p> <p>10e. A total water cycle management approach including water conservation, re-use and water quality improvements is adopted.</p> <p>10f. Energy conservation and energy efficiency programs are implemented.</p>

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	1. Leadership in sustainability
Direction	1a. Council has a long-term vision based on sustainability.
Direction	1b. Council is a leader in the delivery of social, financial and operational activities.

## Resourcing Strategy implications

There is no direct financial impact for this matter.

## Policy and legislative requirements

Section 428 of the Local Government Act 1993 requires NSW councils to prepare an annual report within five months of the end of the financial year. The report must outline the council's achievements in implementing its Delivery Program and provide prescribed statutory information as required in the regulations and associated integrated planning and reporting guidelines.

Section 428(4)(a) of the Act also stipulates that a copy of Council's audited financial reports must be contained within the annual report.

Although 428A(1) of the Act, only requires the production of a comprehensive State of the Environment report (SoE) in the year in which an ordinary election of Councillors is to be held, in order to best track environmental outcomes it is Council's practice to produce a supplementary SoE each year as part of the Annual Report.

## Conclusion

The attached Annual Report provides an account to the community of Council's progress in meeting our objectives as set out in the 20-year Randwick City Plan; and satisfies our statutory reporting obligations.

Despite the unprecedented disruption due to COVID-19, most projects scheduled for the 2019-20 year proceeded as planned and where possible services (not affected by COVID-19 restrictions) were delivered to agreed standards.

Council's financial performance for the year was sound.

**Responsible officer:** Emma Fitzroy, Business Strategist

**File Reference:** F2020/03005



## Director City Planning Report No. CP40/20

**Subject: Report on activating and promoting our local halls and community centres**

### Executive Summary

- Randwick Council provides meeting rooms and hall spaces for hire across the City. These include: Burnie Park Community Centre, Clovelly Senior Citizens Centre, Coogee East Ward Senior Citizens Centre, Kensington Park Community Centre, Lionel Bowen Library - Vonnie Young Auditorium, Lionel Bowen Community Centre Margaret Martin Library Meeting Rooms, Malabar Memorial Hall, Maroubra Senior Citizens Centre, Matraville Youth and Cultural Hall, Prince Henry Centre, Randwick Community Centre, Randwick Literary Institute, Randwick Town Hall, and the Totem Hall.
- Council staff have conducted an initial review of Councils halls noting location suitable usage and facilities. These facilities are hired for a fee either as a not commercial or commercial/private organisations. In recognition of the financial pressures facing non-commercial organisations and their provision of services and activities for Randwick residents a reduced fee is offered to these groups.
- An Arts and Cultural Study of Randwick residents was conducted in 2019 resulting in a strong interest in Council developing more arts and cultural events and facilities and further investigation will be done into this through the development of the strategy.
- Council has introduced the Community Investment Program, which offers increased specific funding for in-kind use of Council buildings and facilities, along with a Community Creative investment stream which aims to fund arts and cultural activities.
- Further analysis will also be conducted to identify opportunities for modifying the fee structure to encourage use of Council facilities during the low demand periods. It's also important that we make the user experience simpler and provide a consistent process for community members in booking the facilities, seeing the availability, and generating up to date quotes.
- A sustained and targeted marketing campaign will also be developed to ensure that there is broad awareness of Council's facilities with a clear call to action on how to enquire and book our venues.

### Recommendation

That Council:

- a) as part of a broader Customer Relationship Management system make the user experience simpler and provide a consistent process for community members in booking the facilities, seeing the availability, and generating up to date quotes;
- b) undertake further analysis to identify opportunities for modifying the fee structure to encourage use of Council facilities during the low demand periods; and
- c) undertake a sustained and targeted marketing campaign to ensure that there is broad awareness of Council's facilities with a clear call to action on how to enquire and book our venues.

### Attachment/s:

Nil

## Purpose

This report responds to the following Council resolution (Veitch/Roberts) that Randwick City Council bring back a report to Council detailing:

- the range of current commercial and non-commercial activities/bookings at our ward based centres and halls;*
- strategies to further activate and promote activities, outreach programs, classes and events at our local community centres and halls, in consultation with local residents and hirers; and*
- note that the Mayor has requested a briefing be held to discuss opportunities to expand on community led initiatives in Council community centres and halls.*

## Discussion

### a) Detail the range of current commercial and non-commercial activities/bookings at our ward based centres and halls

Council staff have conducted an initial review of Councils halls noting location suitable usage and facilitates These facilities are hired for a fee either as a not-commercial or commercial/private organisations.

Below are details of Council's halls and centres outlining the commercial and non-commercial activities/bookings at our ward-based centres and halls:

### North Ward

Hall	Uses	Disability access	Rooms	Capacity	Rates Commercial/Private (per hour)	Rates – Non-commercial (per hour)
Randwick Literary Institute	Classes and Workshops on dancing art and craft, yoga and local playgroup within a secure garden area	No	Main Hall	80 people	7:30am-4:00pm \$28 4:00pm to 9:00pm \$37	\$16
			Hoffman Hall	60 people		
			Sands Room	70 people		
			Blue Room	80 people		
			Garden		7:30am-4:00pm \$32	7:30am-4:00pm \$10
Clovelly Senior Citizens Centre	Meetings, forums classes children's birthday parties	No	One room	30 people	Monday to Friday \$32 Saturday, Sunday & Public Holidays \$42	Monday to Friday \$16 Saturday, Sunday & Public Holidays \$21
Randwick Town Hall	Suitable for community events, Council functions, concerts, multicultural celebrations, entertainment and other typical uses include functions such as weddings, birthdays, plays, school presentations and trivia nights.	Yes	Town Hall	200 people sitting 300 people standing (current capacity 84 people COVID)	\$371 per hour	Monday to Friday (9am-5pm) \$185 Monday to Friday 5pm-12am) \$244 Weekends and public holidays (9am-5pm) \$288 Weekends and public holidays (5pm-12am) \$265

Hall	Uses	Disability access	Rooms	Capacity	Rates Commercial/Private (per hour)	Rates – Non-commercial (per hour)
Randwick Town Hall	Small meetings	Yes	Malabar Room	15 people (COVID)	Monday to Friday (9am-5pm) \$85 Monday to Friday after 5pm, Saturday Sunday & Public Holidays \$159	Monday to Friday (9am-5pm) \$43 Monday to Friday after 5pm, Saturday Sunday & Public Holidays \$159
Burnie Park Community Centre	Features a children's playground and is home to the local playgroup and offers safety fencing for children.	Yes with assistance	One room	Up to 30 people	Monday to Friday \$32 Saturday, Sunday & Public Holidays \$42	Monday to Friday \$16 Saturday, Sunday & Public Holidays \$21
Margaret Martin Library Meeting Rooms	Access through the library and only in library hours Uses can include local writing groups parents' groups, council community information sessions.	Yes	Two	30 people in each room in theatre arrangement	Monday to Friday \$73.50 Saturday, Sunday & Public Holidays \$94	Monday to Friday \$36.50 Saturday, Sunday & Public Holidays \$50.50

**East Ward**

Hall	Uses	Disability access	Rooms	Capacity	Rates - commercial/Private (per hour)	Rates – non-commercial (per hour)
Coogee East Ward Senior Citizens Centre	Suitable for dance or yoga classes, forums, meetings, birthday parties and workshops	Yes	One	60 people	Monday to Friday \$53 Saturday & Sunday \$64	Monday to Friday \$26.50 Saturday & Sunday \$32
Randwick Community Centre	Notable use includes the display of the annual Women's Art Competition and the prize presentation.	Yes	Main hall	150 people	Monday to Friday \$125 Saturday, Sunday & Public Holidays \$190	Monday to Friday \$70 Saturday, Sunday & Public Holidays \$100
			Meeting Room	20 people	Monday to Friday \$60 Saturday, Sunday & Public Holidays \$75	Monday to Friday \$32 Saturday, Sunday & Public Holidays \$70
Totem hall	A traditional scout hall suitable to hire for a range of purposes including dance groups, girl guides, fitness classes and children's birthday parties.	No	One room	50 people	Monday to Friday \$42 Saturday & Sunday \$53	Monday to Friday \$21 Saturday & Sunday \$26.50

CP40/20

**Central Ward**

Hall	Uses	Disability access	Rooms	Capacity	Rates Commercial/Private (per hour)	Rates – Non-commercial (per hour)
Vonnie Young Auditorium	Suitable for meetings	yes	One	50 people theatre arrangement	\$79	\$33.30
Lionel Bowen Community Centre – HACC Facility	Notable meeting room hirers are local community service providers, community consultation meeting, community interagency meetings.	Yes	Maroubra Room (the whole facility) can be divided into Anzac Room or the Gale Room.	Up to 120 people	\$134.75	\$56.30 \$20.00 for groups who currently hold a federal or state aged services grant.
			Anzac Room	75 people	\$33.30	\$10.00 per hour for groups who currently hold a federal or state aged services grant.
			The Gale Room	12 people	\$33.30 per hour	\$11.65 \$5.00 for groups who currently hold a federal or state aged services grant.
Maroubra Senior Citizens Centre	Suitable for meetings, dance classes and children's birthday parties. An example of use includes two Indonesian social groups.	Yes	One room	60 people	Monday to Friday \$42 Saturday, Sunday \$53	Monday to Friday \$21 Saturday & Sunday \$26.50

**West Ward**

Hall	Uses	Disability access	Rooms	Capacity	Rates Commercial/Private (per hour)	Rates – Non-commercial (Per hour)
Kensington Park Community Centre	Suitable for dance or yoga classes, forums, meetings, birthday parties and workshops. Holdsworth Community provide a range of activities for local frail aged person at this Centre.	Yes	Hall One	130 people	Monday to Friday \$74 Saturday, Sunday & Public Holidays \$85	Monday to Friday \$37 Saturday, Sunday & Public Holidays \$42.50
			Hall Two	100 people	Monday to Friday \$64 Saturday, Sunday & Public Holidays \$74	Monday to Friday \$32 Saturday, Sunday & Public Holidays \$37

**South Ward**

Hall	Uses	Disability access	Rooms	Capacity	Rates Commercial/ Private (per hour)	Rates – Non-commercial (per hour)
Matrville Youth and Cultural Hall	suitable for activities including meetings, dance classes and children's birthday parties.	Yes with assistance	One	60 people	Monday to Friday \$32 Saturday & Sunday \$42	Monday to Friday \$16 Saturday & Sunday \$21
Malabar Memorial Hall	Suitable for playgroups, dance groups, children's birthday parties, yoga classes, art classes, music classes.	Yes with assistance	one	60 people	Monday to Friday \$42 Saturday & Sunday \$53	Monday to Friday \$21 Saturday & Sunday \$26.50
Prince Henry Centre	Suitable for private celebrations, corporate functions, community events and markets, Exhibitions such as the Randwick Arts and Craft Show and live performances like the twilight concerts, and major corporate functions have been held at this venue.	Yes	Board Room	12 people	On application	Monday to Friday \$40
			Cawood Room	260 people in theatre arrangement	On application	Monday to Friday \$480 Saturday & Sunday \$215
			McNevin Room	160 people	On application	Monday to Friday \$85 Saturday & Sunday \$120
			Prince Henry Entry Lobby Terrace	140 people	On application	On application

CP40/20

**Summary**

All Community Halls	
Regular Hirers	57
Casual Hirers	850
Annual Income	\$512,913

- b) Strategies to further activate and promote activities, outreach programs, classes and events at our local community centres and halls, in consultation with local residents and hirers.**

**Community Investment Program**

The new Community Investment Program has been developed and launched, which provides opportunities for local organisations, community groups, individuals and service providers to use Council's halls and facilities for a range of community led activities and initiatives. The in-kind budget for the use of Council facilities has been increased to provide additional capacity with \$140,000 being budgeted for in-kind support for the hire of Councils venues. Opportunities have been identified through the Arts and Cultural study and further investigation and research we will focus on the best way to support this sector through space and venues.

**Broader community use**

The needs of the broader community are quite diverse and ever changing. There is an identified need to engage more broadly with the community to ensure that the use of our facilities is maximised and meeting the needs of the community. An analysis of the day to day usage of each facility will also be conducted to identify opportunities for modifying the fee structure to encourage use of Council facilities during the low demand periods. Council facilities are also upgraded to

ensure equitable access when they are scheduled for refurbishment under the capital works budget.

### **A more streamlined customer experience**

It has been identified that the customer experience for booking our Councils halls and facilities is not streamlined or consistent across venues, making it confusing and less accessible for community members to book and utilise our spaces. This is currently being considered as part of a broader Customer Relationship Management system which will make the user experience simpler and provide a consistent process for community members in booking the facilities, seeing the availability, and generating up to date quotes.

A sustained and targeted marketing campaign will also be developed to ensure that there is broad awareness of Council's facilities with a clear call to action on how to enquire and book our venues.

### **Strategic alignment**

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	2. A vibrant and diverse community.
Direction	2b. Strong partnerships between the Council, community groups and government agencies.

### **Resourcing Strategy implications**

There is no additional financial impact for this matter.

### **Policy and legislative requirements**

Randwick Council Hall Hire Policy, Community Investment Program Guidelines, Community Connect Guidelines, Community Creative Guidelines.

### **Conclusion**

Councils' halls and facilities are used by a wide range of organisations including playgroups, major Council functions, corporate organisations and community activities. Fees for use of these facilities are based on whether they are non-commercial or for profit/private use.

The new Community Investment Program provides new opportunities and additional funding for local organisations to use Council's halls and facilities. Furthermore, the Arts and Cultural Study will help inform further research into the best way to develop a strategic approach to how Council will meet the community's interest in availability of space for arts and culture.

Further analysis will also be conducted to identify opportunities for modifying the fee structure to encourage use of Council facilities during the low demand periods. It's also important that we make the user experience simpler and provide a consistent process for community members in booking the facilities, seeing the availability, and generating up to date quotes.

A sustained and targeted marketing campaign will also be developed to ensure that there is broad awareness of Council's facilities with a clear call to action on how to enquire and book our venues.

**Responsible officer:** Warren Ambrose, Senior Social Planner

**File Reference:** F2004/07674

## Director City Planning Report No. CP41/20

**Subject: Establishing a separate legal entity to manage Council's affordable and social housing stocks**

### Executive Summary

- Council resolved at its Ordinary meeting of 25 February 2020 requesting an assessment of the successful City West Housing model and whether Randwick Council should adopt a similar organisational structure as a registered community housing provider for Randwick City's affordable housing program.
- City West Housing Pty Limited is a non-profit community housing provider established to manage and deliver the City West Affordable Housing Program in Pyrmont/Ultimo within the City of Sydney local government area. It was established in 1994 by the State government in response to the renewal of the Pyrmont/Ultimo area and the need to provide for affordable housing to retain a socially diverse population.
- This report provides an overview to City West Housing Pty Ltd, and the City West Affordable Housing Program; identifies the key differences between Council's affordable housing program to the City West housing model; followed by a description of the requirements to establish a separate legal entity as a registered community housing provider to manage Council's affordable and social housing stocks.
- This report however concludes that it would require significant resources for the set up and ongoing operation of a separate legal entity for the management of Council's affordable housing program. In addition, Council would require the Minister for Local Government's consent, as required by the Local Government Act 1993 (section 358) to form or participate in the formation of a corporation or other entity. Instead the report concludes that Council's existing operational framework of an appointed CHP to manage its affordable housing program on behalf of Council is best placed to continue.
- Nevertheless, Council should commence a review and update of its adopted affordable housing strategy and program, procedures and policy given it is more than 10 years old to ensure relevancy and flexibility to support Council's affordable housing program into the future.

### Recommendation

That Council:

- a) does not establish a separate legal entity to manage its affordable housing program due to the significant resources required, including the need for Ministerial consent; and
- b) commence a review and update of its Affordable Housing Strategy, Policy and Procedures to ensure its relevancy and flexibility to support Council's growing affordable housing program for the City.

### Attachment/s:

Nil



## Purpose

At Council's Ordinary meeting of 25 February 2020, a notice of motion was raised by Cr Seng on establishing a separate legal entity to manage Council's affordable and social housing stocks.

Council subsequently resolved (Seng/Stavrinos) at this meeting *'that the General Manager bring back a report to Council on an assessment of the successful City West Housing model and whether Randwick Council should adopt similar organisational structure as a registered community housing provider.'*

This report responds to Council's resolution.

## Discussion

### City West Housing and the City West Affordable Housing Program

In 1994, the NSW Government established City West Housing (CWH) as an independent not for profit community housing provider to manage and deliver the City West Affordable Housing Program within Pyrmont Ultimo, Sydney. The renewal of the Pyrmont Ultimo area was initiated by the Commonwealth Government's Building Better Cities (BBC) program, established in 1991, to revitalise inner city areas. The Pyrmont/Ultimo area was once a major commercial and manufacturing area but had witnessed significant economic decline from the contraction of industry and manufacturing (particularly during the 1960s and 70s) which was accompanied by a decline of population in the area.

The BBC program involved significant contributions from the Federal Government and the passing of legislation by the State Government that mandated developer contributions towards affordable housing (i.e inclusionary zoning). The City West Affordable Housing (CWH) Program was established by the NSW Government to ensure "that the Ultimo/Pyrmont redevelopment area retained a socially diverse population representative of all income groups". The aim was to provide 600 new affordable homes in the area for very low, low to moderate income households within the Ultimo and Pyrmont area, as part of the renewal plans for the area.

Initially, the scheme was designed as part of the Sydney Regional Environmental Plan No. 26 City West, which was gazetted in 1992, and amended in 1995. This enabled contributions to be obtained from developers towards affordable housing. The scheme was validated in amendments made to the Environmental Planning and Assessment Act 1979, and then subsequent affordable housing provisions were included in a number of environmental planning instruments leading to the Sydney Local Environmental Plan (LEP) 2012.

This inclusionary zoning legislation gave the (City of Sydney) Council the power to require that developers contribute an in-kind or monetary contribution towards affordable housing, as a condition of development consent. For residential purposes this is calculated as 0.8% of the total floor area; and for non-residential purposes this is calculated as 1.1% of the total floor area. Contributions (both monetary and in kind) are provided to City West Housing not the Council to invest and develop affordable housing in the area.

The Pyrmont/Ultimo scheme has generated 426 affordable properties funded through a mix of contributions including funds from the Building Better Cities program received on set up in the 1990s, developer contributions and operating surpluses. City West Housing has expanded its operations to Green Square and now owns and manages affordable rental housing across the City of Sydney LGA. The CWH portfolio includes 720 apartments across 18 buildings, 174 apartments in two new developments that are due for completion in 2020 as well as delivering 500 new affordable housing apartments scheduled in future projects, all within the City of Sydney LGA.

City West Housing Pty Ltd is a Tier 1 registered community housing provider (CHP) registered under the National Regulatory Scheme for Community Housing (NRSCH). The Company is incorporated under the Corporation Law and is independent from, but accountable to, the State Government. The Company has an expertise-based Board, with social housing, finance, asset management and housing production skills.

City West Housing Pty Limited has two classes of shares:



- i. Ordinary shares
- ii. Preferential class shares

The Government retains the ownership of the assets through the Treasurer and Minister for Housing as ordinary shareholders with the power to intervene or recall the assets in the event of failure by the entity to meet its objectives and performance requirements.

The preferential class shareholders are drawn from the community and industry and are responsible for the appointment, selection and removal of the directors of the City West Housing Pty Limited. The City of Sydney Council is one of the eight preferential shareholders.

City West Housing Pty Limited has the following features:

- independence from the Government in the day-to-day management of assets and development of policies;
- responsibility for prudent and cost-effective use of the funds for construction, delivery and management of the Affordable Housing Program; and
- accountability to Government to ensure that the funds are expended and used in accordance with the Program objectives.

The Memorandum and Articles of Association of the City West Housing Pty Limited sets out the statement of organisational principles and defines the following issues including: profile of preferential class shareholders; profile of board of directors; reporting requirements; accountability to the Government, ordinary shareholders and preferential class shareholders; mechanisms for Government intervention and other issues such as performance requirements and winding up mechanisms.

A key feature of City West Housing's portfolio is that it has either acquired or developed all of the apartments it manages and, with a few exceptions, owns and manages whole buildings. This means that the buildings are fit for purpose exclusively used for affordable housing, managing the cost of the buildings ongoing operation and in turn strata fees.

While City West Housing has been the beneficiary of affordable housing developer contributions in Pyrmont/Ultimo and Green Square (enabled by State Environmental Planning Policy No. 70), the high cost of land in the City of Sydney has meant that City West Housing has had to be innovative in its approach to funding new developments. This includes securing one-off capital grants from the State Government, purchasing concessional land and accessing subsidies via various government programs. The City of Sydney has also provided sites to City West Housing to support the provision of affordable housing in its LGA.

City West Housing maintain their properties to ensure they meet the needs of residents over the life of their buildings. The provider's affordable rents are capped at 30% of gross household income, ensuring that residents can manage their household budget without the stress of housing costs that increase with changes in the market.

#### **Randwick City Council affordable housing program**

Randwick City Council along with the City of Sydney Council is one of only a few metropolitan Councils in Sydney with an affordable rental housing program. Since 2006, Council has acquired 24 units in its program acquired via a voluntary negotiated planning outcome with developers on large redevelopment sites, across the LGA. Four units out of the 24 units, was the result of a joint venture project (in 2008) with Community Housing Limited (a CHP) on land dedicated by Council. Another six units will be dedicated to Council as part of the roll out of stages 2 and 3 of the Newmarket Green development in Randwick. This will bring Council's affordable housing property portfolio to a total of 30 units.

Council's affordable housing program provides housing assistance to the low and moderate income household groups who either work in the local government area or have family connections. The eligibility criteria, operational and management guidelines are outlined in Council's adopted (2006) Affordable Housing Program, Policy and Procedures. The operational framework of Council's affordable housing program is that Council retains ownership of the affordable housing units it

acquires from developers however head leases the tenancy allocation and property management functions to an appointed CHP at a nominal rate. The CHP assumes the role of landlord and leases the housing in accordance with Council's Program and Procedures requirements.

Council currently has a deed of agreement with St George Community Housing (SGCH) as the manager of the program in accordance to Council's program and procedures policy. SGCH has managed Council's affordable housing program for more than 10 years with properties scattered and integrated within private market housing across Randwick LGA. Similar to City West housing, SGCH is also tier 1 CHP under the National Regulatory System for Community Housing, with 35 years of experience in providing for social and affordable housing across 6,500 properties in the Sydney metropolitan region.

Council's affordable housing property portfolio is however expected to grow with the recent finalisation of the Kensington and Kingsford town centres planning proposal and affordable rental housing scheme. The Kensington and Kingsford town centres affordable housing scheme is Council's first inclusionary zoning scheme enabled by State Environmental Planning Proposal No. 70 (SEPP 70) which aims to deliver more than 200 affordable units over 15 years to essential key workers within the community. The administration and operational guidelines of the scheme are outlined in the Kensington and Kingsford town centres affordable housing plan (available to view on Council's website), which also aligns with Council's (2006) affordable rental housing program, procedures and policy.

### **Establishing a separate legal entity**

For Council to establish its own legal entity to manage its affordable housing program (similar to City West Housing Ltd), Council would need to set up a separate legal entity to be registered as a community housing provider. Community housing providers (CHPs) are organisations that deliver social or affordable housing and associated services to people on very low, low or moderate incomes.

The Registrar of Community Housing is responsible for registering, monitoring and regulating community housing providers in New South Wales under the National Regulatory System for Community Housing (NRSCH) and the New South Wales Local Scheme. The NRSCH aims to ensure a well governed, well managed and viable community housing sector that meets the housing needs of tenants and provides assurance for government and investors.

The Registrar of Community Housing is an independent statutory officer reporting directly to the Minister for Family and Community Services to carry out the functions established under the National Law for CHPs. Interested housing providers need to apply for registration via the Registrar in their state or territory. The National Register is a single national database which lists the details of all CHPs currently registered under the National Regulatory System for Community Housing.

Under the National Register there are three categories of registration for CHPs referred to as Tier 1, Tier 2 and Tier 3. The level of different tiers of registration is according to the scale and scope of their activities and applies different levels of regulatory oversight and engagement to each tier. Tier 1 providers (such as SGCH and City West Housing Pty Ltd) face the highest level of performance requirements and regulatory engagement, reflecting the fact that Tier 1 providers are involved in activities that mean they manage a higher level of risk based on: operating at large scale, and ongoing development activities at scale. Tier 2 providers face an intermediate level of performance requirements and regulatory engagement; and Tier 3 providers face a lower level of performance requirements and regulatory engagement.

To be registered in a particular tier, an entity must:

- meet the incorporation requirements for the particular tier
- demonstrate it meets the evidence requirements for the particular tier
- demonstrate that if it has affiliated entity arrangements it maintains control over activities and decisions that impact on its compliance with the National Law.

Community housing providers must demonstrate their capacity to comply with the requirements of the principal Registrar, including the National Regulatory Code on application and, once registered, must demonstrate ongoing compliance with the Code. The National Regulatory Code sets out the

performance outcomes and requirements that must be met by registered community housing providers under the National Regulatory System. One of the key performance outcomes assessed against the Code is financial viability, that is the ability of the organisation to generate sufficient income to meet operating payments, debt commitments and, where applicable, to allow for growth, while maintaining service levels. Another key requirement is that the organisation needs to demonstrate that they have staff with tenancy management experience.

Once registered however, CHPs have the ability to access concessional loans, grants and equity finance from commonwealth and state governments to help deliver affordable and social housing. This includes for example, the National Housing Infrastructure Facility (NHIF) which is a \$1 billion facility that offers finance to help fund housing-enabling infrastructure. Local government along with CHPs are also eligible to apply for financial assistance under the facility to help fund new or upgraded infrastructure to support affordable housing delivery.

While there are no costs associated with the registration process of the CHP, costs would be incurred as part of the setup and ongoing operation of the company through legal fees, staff resourcing and other ancillary costs.

However, under the Local Government Act 1993 (section 358) Council must not form or participate in the formation of a corporation or other entity without the consent of the Minister for Local Government and subject to any conditions the Minister may specify. This may in part explain why there are currently no local councils in NSW registered as a CHP.

#### **Joint venture projects with CHPs**

A key mechanism by which local councils can help deliver affordable housing is to partner with CHPs on joint venture projects. As mentioned above, Council did enter into a joint venture project in 2008 with Community Housing Limited (CHL) to develop a purpose-built affordable housing development in Maroubra on land dedicated by Council. Eight units were developed, four of which Council has retained ownership with the other four owned by CHL. Given the scarcity of land for affordable housing opportunities, the contribution of land and or concessional sale of land to CHPs is one of the critical factors by which Council can partner with CHPs to develop affordable housing. Other approaches could involve cash contributions and joint grant funding with CHPs.

#### **Key findings and recommendations**

As outlined above, the procedural requirements for Council to establish a new legal entity as a CHP or as a company would require significant resources, in the, registration and ongoing compliance. This would include legal support and additional staff with specialist skills on tenancy management which Council currently does not have; and as outlined above Council would require Ministerial consent as required by the Local Government Act.

Furthermore, there are inherent risks including litigation involved in the ongoing operation and financial viability of such an organisation. Put simply, the significant resources required and the potential risk to Council on such a venture is not considered justified for Council to establish a separate legal entity to manage its affordable housing program.

This is the reason why Council's current and preferred approach (as outlined in its adopted Affordable Housing Program and Procedures Policy) is to head lease the entire affordable rental property portfolio to an appointed experienced CHP at a nominal rate. Under this arrangement, Council is not responsible for either the day to day contact with tenants or the administration of the rental housing program. However, Council retains ownership of the affordable housing units to ensure it is used for affordable housing purposes within the City in perpetuity.

In comparison, the City of Sydney Council does not retain ownership of the affordable housing units generated through the City West Affordable Housing Scheme, instead all contributions received under the City West Affordable Housing Scheme is directly transferred to City West Housing Pty Ltd. This enables City West Housing Pty Ltd to leverage the equity off the affordable housing units to build and/or invest in other affordable housing units within the City. Other key factors which have contributed to the City West Housing model has been government funding as part of the initial set up of City West Housing Pty Ltd, grant funding, purchasing concessional land and accessing subsidies. City West Housing Pty Ltd has also been the sole beneficiary of the City West Affordable Housing Contributions Scheme since it commenced in 1994. While many other councils including

Randwick City Council only benefited from legislation (i.e SEPP 70) which requires developers to contribute towards affordable housing as a condition of development consent, once the Minister for Planning amended legislation in 2018 to enable so. The other contributing factor to City West Housing Model is that they have managed the design and build of most of their development projects with the monetary contributions received as a result of the City West affordable housing scheme. This means that the majority of their affordable housing units are fit for purpose buildings exclusively used for affordable housing, which allows City West Housing Pty Ltd to manage the ongoing operation costs including strata fees of these buildings.

Despite this Council's affordable housing program is projected to grow enabled by legislation (through SEPP 70) and through Council's recently adopted Local Strategic Planning Statement (LSPS) and Local Housing Strategy. Both the LSPS and Housing Strategy identifies an affordable and social housing target of 10% of all dwellings by 2036; and areas for housing growth to help achieve the social and affordable housing targets. An action of the LSPS and Housing Strategy is to review Council's (2006) affordable housing strategy and program to ensure relevancy and flexibility to support a growing affordable housing program; and to also work with CHPs to deliver more affordable housing. In addition to a review of Council's affordable housing strategy and program, to ensure relevancy and flexibility to support Council's growing affordable housing program for the City

### Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	2. A vibrant and diverse community.
Direction	6e. Enhance housing diversity, accessibility and adoptability to support our diverse community.

### Resourcing Strategy implications

Council's current affordable housing program asset value is estimated at \$15.3 million. On average, Council receives approximately \$130,000 per year as net rental revenue from its affordable housing program; and pays SGCH an estimated \$44,880 per year for the management of the program. Note this management fee does not include other expenses such as strata levies, rates, repairs and maintenance costs which are taken out of the total revenue received by SGCH from Council's affordable housing program it manages.

Should Council wish to establish a legal entity to manage its affordable housing program, then significant costs and resources would be required for the initial set up and ongoing operation of the CHP. This would include the need to employ staff with specialized skills set in tenancy management and other support to manage the program. Initially, this would be estimated at more than \$400,000 however a more detailed business plan would be required to further refine and estimate these costs.

### Policy and legislative requirements

Randwick City (2007) Affordable Housing Strategy and (2006) Affordable Rental Housing Program + Procedures; Randwick City Council Vision 2040 Local Strategic Planning Statement and Housing Strategy.

### Conclusion

The City West Affordable Housing Program and model was established in 1994 as a result of the Commonwealth Government's Building Better Cities Program and state funding. City West Housing Pty Ltd has developed more than 420 affordable housing units within the Pyrmont/Ultimo area funded mostly from the City West Housing affordable housing contributions scheme. Today, City West Housing Pty Ltd has expanded its operations within the City of Sydney with more than 800

affordable housing units. Council's own affordable housing program is expected to grow with the recent finalization of the Kensington and Kingsford town centres planning proposal and affordable housing scheme. This report has outlined the key differences between the City West Housing Model to Council's Affordable Housing Program and identifies that for Council to establish a separate legal entity to manage Council's affordable housing program this would require significant resources for the set up and ongoing operation of a separate legal entity for the including Ministerial consent. Instead, this report concludes that Council's current operational framework of head leasing the program to an appointed CHP is best placed to continue. However, that a review and update of Council's affordable housing strategy and affordable rental housing program and procedures is needed to ensure relevancy and flexibility to support Council's growing affordable housing program into the future.

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**Responsible officer:** Elena Sliogeris, Coordinator Strategic Planning

**File Reference:** F2004/07991



## Director City Planning Report No. CP42/20

**Subject: Blenheim House renovation and refurbishment**

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### Executive Summary



- Blenheim House is scheduled for major renovation and refurbishment as a community arts centre, exhibition and performance space.
- The *Arts and Culture Survey* conducted by Council gave a clear indication of community appetite for venues and opportunities for arts practice and engagement.
- Plans by *Phillips and Marler Architects* for adaptive reuse and arts activation of Blenheim House include studio spaces, exhibition, performance and activities area, separate disability studio and a pocket park.
- Management models have been identified in *The Arts and Culture Study* and in further research conducted by council staff.

### Recommendation

That Blenheim House be managed and operated as an Arts Centre that includes:

- Short to medium term (3 to 12 month) non-residential art studios (up to 4) for local artists selected through EOI application to Council;
- Gallery and exhibition hire and programming;
- Private venue hire; and
- Council arts programming.

### Attachment/s:

1.  Community Consultation Report Arts and Culture survey
2.  Link to the Arts and Culture Study 2019

## Purpose

The purpose of this report is to set out the proposed design and the operational and management model for the adaptive reuse of Blenheim House as an arts centre.

## Discussion

The NSW Government's *Cultural Infrastructure Plan 2025+* provides the impetus and strategic framework for the development of places where art and culture can be created, shared and enjoyed. Cultural infrastructure like galleries, museums, libraries, performance spaces and studios encourage cultural industries into the LGA. The *NSW Creative Industry Economic Fundamentals Report* estimated that the arts, screen and cultural sectors in NSW provided an annual contribution to NSW Gross State Product (GSP) of around \$16.4 billion (\$8.7 billion direct + \$7.7 billion indirect) and around 120,000 full time equivalent jobs in NSW (82,400 direct + 36,400 indirect).

Other benefits of supporting creative industries locally include:

- Creating livable cities which attract cultural visitors, business and skilled talent;
- Providing opportunities for community participation contributing to social cohesion, well-being and life-long learning;
- Enabling innovation across different industries;
- Promoting improvement in income generation, business models and artistic practice through collaboration and exchange; and
- Job creation and the income generated.

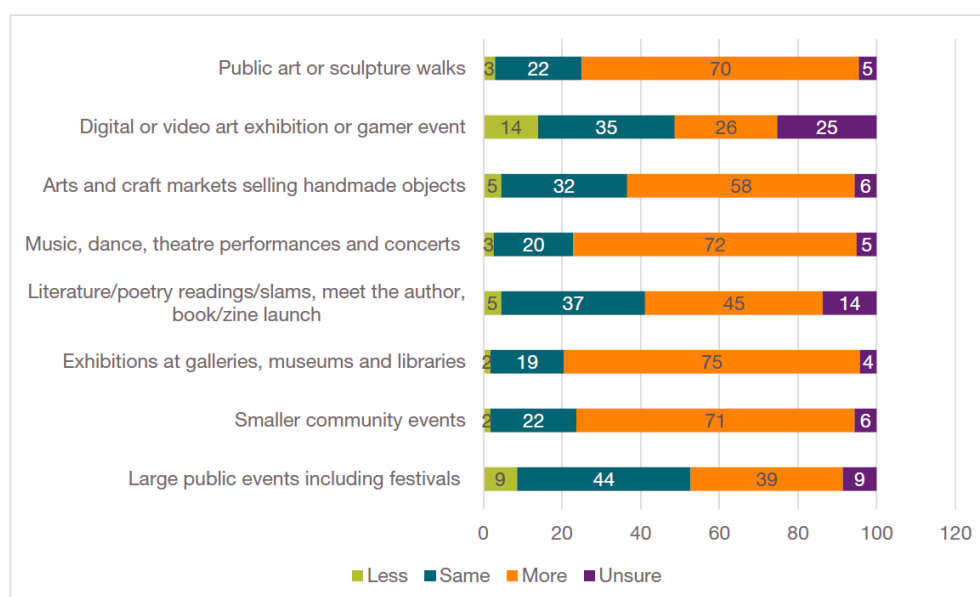
Create NSW defines the creative industry as follows:

- Those industries which have their origin in individual creativity, skill and talent and that have a potential for wealth and job creation through the generation and exploitation of intellectual property.

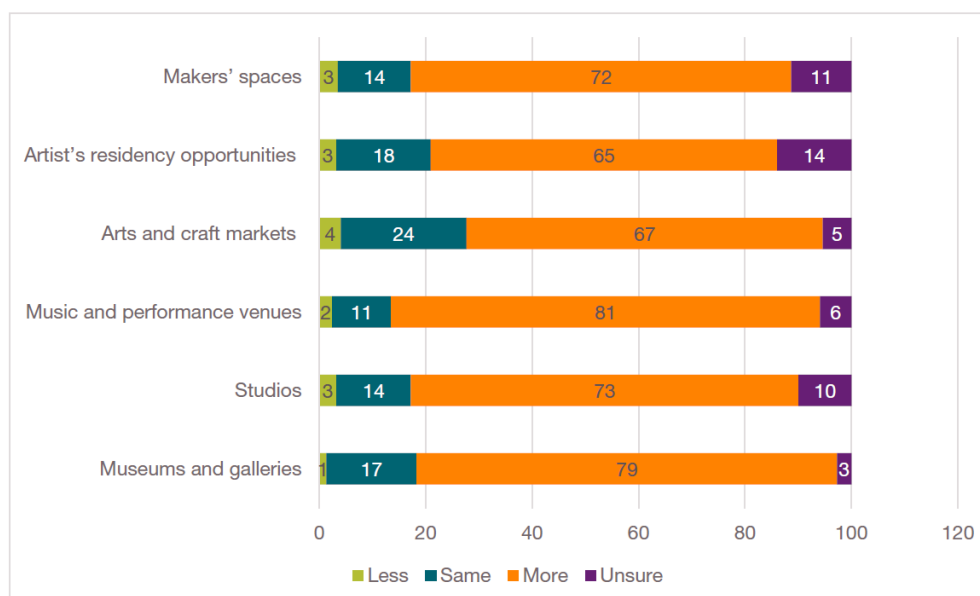
For creative industries to flourish in Randwick City, arts and cultural practices need a home. Blenheim House is scheduled for major renovation and refurbishment as an arts centre. A range of potential uses and management models were identified in The Arts and Culture Study (A&C Study) commissioned by Council in 2019 and produced by Studios TCS. The A&C Study was based on research of best practice models in other local government areas and data collected during the Arts and Culture Survey conducted by Council's Communications team. Specific questions were asked to gauge community interest in a variety of cultural activities and to assess the types of venues they wished to see. The results below are from Graph 2 and 3 (n = 372) from Council's Arts and Culture Survey Report (pgs. 6 & 7).



**Question: Would you like to see more, less, or the same of the following arts and cultural events across the Randwick LGA?**



**Question: Would you like to see more, less, or the same of the following types of facilities and venues to support arts and cultural across the Randwick LGA?**



These tables indicate that the greatest percentage of respondents are interested in seeing more:

- music and performance venues (where people can go to see performances or put on their own performance) 81%
- museums and galleries (a space where people can see artworks or exhibit their own work) 79%.
- exhibition art galleries, museums and libraries 75%
- studios (a space where people can work on their art/craft or performance) 73%
- music, dance, theatre performances/concerts 72%

Using the above statistics, the A&C Study identified two case studies as potential management models for Blenheim House. They are:

- Frontyard Projects (Inner West Council)

- Thirning Villa (Inner West Council)

In addition to the two case studies in the A&C Study, the following models researched by Council staff have greater relevance to the way Blenheim House could be managed:

- Stonevilla Studios (Inner West Council)
- North Sydney Studios (North Sydney Council)
- Parramatta Artist Studios (City of Parramatta Council)
- Brand X incorporated not-for-profit arts organisation.

The management models for the above case studies fall into three categories:

### 1. Artist run initiative

- Agreement with a local not for profit arts organisation to operate all aspects of the studio complex and exhibition space
- Agreed hours of operation
- Staffed by the organisation's volunteers
- Revenue to Council from hire fees at community NFP rates.

### 2. Arts Corporation

- Lease agreement with Arts Corporation for rental. Fees to Council
- Full management and operation of all aspects of the centre.

### 3. Council managed

- Administration of applications from artists for studio space
- Event, exhibition and activities bookings
- Administration of fees and charges for studios and venue hire
- Administration and operation costs including maintenance, cleaning etc.
- Revenue to Council from studio and venue hire fees, ticket sales, gift shop, café / dining, and art commissions.

The following table is a summary of the case studies by Council area.

	Inner West Council	North Sydney Council	City of Parramatta	Brand X
Number of studios	11	11	13	16
Number of studios with accommodation	1	Nil	1	Nil
Council managed	9 of 11	All	All	No
Fees charged	Yes	Yes	Yes	Yes
Fees waived via grant application	Yes	Yes	Yes	Yes
Duration of studio occupancy	1 week to 12 months	Up to 12 months	6 and 12 months	Up to 12 months
Community engagement agreements in place	Yes	Yes	Yes	Yes
Accessible to disabled artists	Yes	Yes	Yes	Yes

This table demonstrates that:

- Councils have mostly discontinued their live-in residency programs involving regional and international artists in preference for programs providing affordable and accessible studio spaces for a larger number of local artists
- Councils continue to directly manage studio spaces including residency applications, grants programs and community engagement
- All Councils charge subsidised fees to offset costs and have a small number of grant opportunities providing full funding of residencies to successful applicants.

As private rental costs for studios increase across the city, artists, writers and performers are moving further afield to find affordable studio space to continue their work. The loss of arts practitioners is seen as a loss of cultural capital prompting Councils to invest in studio spaces and programs which retain their local creative community.

In addition to managing substantial studio programs, some Councils are now developing partnerships with incorporated not-for-profits (NFP) like Brand X. Although Brand X is an NFP it does not use volunteer staff instead functioning as an arts corporation and paying all staff. Brand X manages properties for local government and the private sector.

In the Sydney CBD, independently run commercial arts complexes are emerging to stem the loss of cultural capital by providing studio and retail spaces. Over the last 25 years Councils have been supporting arts and cultural development by repurposing halls, venues and warehouses as studios, performance, exhibition and creative retail spaces. The *Cultural Infrastructure Plan 2025+* also encourages the identification of heritage buildings for adapting, repurposing, restoring and improving as arts centres for the community.

### **Blenheim House – Challenges and opportunities**

As a residence and historic building (1848), Blenheim House presents some challenges to adaptive reuse. These challenges include:

- Small rooms on the upper level accessed by stairs only
- Ground floor space with limited wall space due to window and door locations
- Proximity of neighboring apartment blocks

A concept design plan for renovation of Blenheim House has already been delivered by *Phillips and Marler Architects* and includes:

- Three studios on the upper level (nonresidential)
- Performance, exhibition and activities space on the ground floor
- Disability studio space (nonresidential) in the garden bungalow (the old coach house)

At Councils request, Phillips and Marler revisited their design to explore the potential of the following:

- Live-in artist residency on the upper level
- Live-in disability studio in the old coach house
- Physical separation of public areas on the ground floor and the upper level live-in artist studio

After reviewing their plans with reference to the above, Phillips and Marler concluded that Blenheim House is not big enough to accommodate both a live-in residential studio and public area. The following reasons were cited:

- Major work would need to be undertaken to adjust the floor height for plumbing to include kitchen and bathroom space upstairs
- The studio and living spaces would be reduced and restrictive
- Windows or skylights may have to be installed

- Separation of the live-in artist residency and the exhibition/performance/activity space and pocket park would involve installing dividing walls and a separate entrance
- The old coach house, whilst providing an adequate opportunity for an accessible studio is not big enough to accommodate living quarters in addition to the studio space.

After discussions with the architects and reviewing the floor plan Council Officers agree with the conclusion that Blenheim House is not suitable for a live-in studio space and live-in disability studio and that the original Blenheim House plan providing four studio spaces including a ground floor accessible studio in the garden is a much better option. Because there will be no accommodation, the entire upper level can be allocated for studio spaces and there is no necessity to build internal walls to separate the ground floor public areas from the upper level.

### Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	2. A vibrant and diverse community.
Direction	2b. Strong partnerships between the Council, community groups and government agencies.

Outcome/Direction	Delivery Program actions
Outcome	2. A vibrant and diverse community.
Direction	2c. New and upgraded community facilities that are multipurpose and in accessible locations.

### Resourcing Strategy implications

The recommended option is for Blenheim House to be managed by Council as an arts studio complex which would operate similarly to other staffed venues like the Randwick Literary Institute. The table below estimates the costs and revenue for the first year of operation and is covered in more detail in the attachment.

ESTIMATED COSTS AND REVENUE FOR BLENHEIM HOUSE FIRST YEAR		
Cost area	Specific programs	\$ per year
Administration costs utilising existing staff resources	Studio Residencies, Exhibition space, Venue hire, Arts and Cultural Program.	20,480
		35, 244
Contractors and operating costs	Corporate overheads, Cleaning, Maintenance and repairs	146,820
Specific Blenheim House programming	Workshops, events, festivals, performances	20,000
<b>EXPENDITURE TOTAL</b>		<b>222,544</b>
Estimated revenue	Studios x 4. Hire fees based on other Council rates	6,254
	Venue hire for private functions	28,800
	Garden hire for private functions	1,800
	Café / Dining. Pop up café / kitchen	26,000

	Ticketing. Workshops and Concerts	12,000
	Sales / Commissions. Exhibitions, gift shop	600
<b>REVENUE TOTAL</b>		<b>74,454</b>
<b>TOTAL COST MINUS REVENUE – annual, ongoing cost</b>		<b>148,090</b>

The annual operational costs will be incorporated into future annual operational plans and budgets and with the development of a business plan that anticipates the many opportunities that will become available in an evolving cultural landscape, there will be grant opportunities for heritage and cultural facilities that will reduce the forecast operating results by the equivalent amount.

## Conclusion

The adaptive reuse of Blenheim House will accommodate local artists through a non-residential artist studio program. *Phillips and Marler Architects* have developed a design which incorporates:

- One self-contained disability artist studio in the garden bungalow (old coach house)
- Three artist studios on the second level
- Ground floor exhibition/performance/activity space
- Pocket park landscaping and infrastructure to accommodate exhibitions/performances/activities

The studios will be multipurpose accommodating literary arts, 2D and 3D art which is not 'wet' and messy i.e. drawing, painting on a small to medium scale, sculpture which does not involve a pottery wheel or wet clay processing, graphic design and jewellery making. The selection process for artists will establish suitability.

At present, there are no local Artist Run Initiatives (ARI) with the expertise or capacity to take on the fulltime management of a studio complex and performance/activity area. Management by ARI is not recommended as it may be an outdated management style in comparison with management by Arts Corporations. Future directions for larger scale arts venues like Newmarket Stables may be better served by an arts corporation in partnership with Council.

Blenheim House Arts Centre will be a notable addition to Council's suite of cultural venues and will strengthen the depth and quality of our cultural sector and industries. It is recommended that it is managed by Council's Cultural Events and Venues team using similar operational protocols to other venues that sit within this team. Studio fees will be low cost and affordable to enable access by local artists for periods ranging from 3 to 12 months. The Old Coach House garden studio will ensure equity of access for disabled artists and a grants program operated by Council will provide fully funded opportunities for suitable applicants.

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**Responsible officer:** Avril Jeans, Supervisor Venues and Cultural Programming

**File Reference:** F2004/08008

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COMMUNICATIONS

# Community Consultation Report Arts and Culture Survey

10 June 2020

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## 1. Summary

Council is preparing an Arts and Cultural Strategy which will guide Council's decision making and implementation of cultural and creative events and arts projects, and investment in its cultural assets across the city.

The following report outlines the consultation program undertaken to consult with the community to understand how they perceive arts and culture in Randwick City currently and how they would like to see it develop in the future. The community were invited to complete a survey and the consultation was promoted using notifications in local media, along with digital and social media.

The Your Say Randwick webpage had 1873 visits and 372 surveys were completed.

The survey showed that overall Randwick City residents support more arts and cultural activities across the city, especially in relation to public art, music, dance and theatre performances/concerts, as well as exhibitions and smaller community events. Respondents are also supportive of creating more spaces for art and culture practice, including performance venues, museums and galleries, and studios.

The majority of respondents believe that Randwick Council's small and large scale community events are vibrant and diverse. In contrast, they do not believe that public art in our city is dynamic and diverse, and they do not believe that there is a good range of museums and galleries.

Overall, most respondents believe / feel arts and cultural activities are very important in Randwick City, but Randwick Council does not do enough to support this industry in our community.

The next step for Council is to use the information collected in the survey to write the Arts and Culture Strategy. The strategy will look at ways in which Council can do more to support the arts and cultural sector in Randwick and build capacity. The importance of the Strategy will be to inform the Randwick City Council 10 year plan which will enable the development of a thriving arts and culture sector in the city of Randwick.



## 2. Community engagement strategy

### 2.1. Background and objectives

Council is preparing an Arts and Cultural Strategy to replace the current Arts and Cultural Plan: *A Cultural Randwick City*. The strategy will be informed by an arts and cultural study, and will guide Council's decision making and implementation of cultural and creative events and arts projects, and investment in its cultural assets across the city.

The consultation program aimed to:

- Find out how residents perceive current arts and culture in Randwick City, including:
  - How is art and culture part of your everyday life?
  - What does public art mean to you?
  - Attitudes to current public art and culture in Randwick City
  - Attitudes around creating formal public art programs
  - Should Council facilitate more hands-on arts and cultural activities?
- Explore the kinds of arts and cultural programs residents would like to see in future.

### 2.2. Consultation period

The consultation was open 19 September to 18 October 2019.

The project was assessed as having a lower level city wide impact.

The community were asked to complete a survey.

### 2.3. Consultation activities

Community engagement activities undertaken:

- A dedicated consultation website to complete a survey
- Email to Your Say subscribers (4497 residents): 20 September 2019
- Email to Arts and Culture Industry ABN holders in Randwick City (approx. 2,000 emails): 26 September and 9 October 2019
- Email to Randwick City Library database (31,580 emails): 20 September and 15 October 2019
- Randwick Council ad in Southern Courier: 24 September 2019
- Randwick News (weekly email): 25 September, 2, 9 and 16 October 2019
- Facebook posts: 25 September (1,388 people reached and 29 engagements) and 16 October 2019 (1,621 people reached and 45 engagements)
- Listing on Randwick City Council's *Current Consultations* webpage
- Hardcopy survey in all Randwick City Libraries and Customer Service Centre
- Councillor notification

### 3. Online consultation

A dedicated Your Say Randwick website was created to complete a survey online.

[www.yoursay.randwick.nsw.gov.au/ArtsCultureStrategy](http://www.yoursay.randwick.nsw.gov.au/ArtsCultureStrategy)

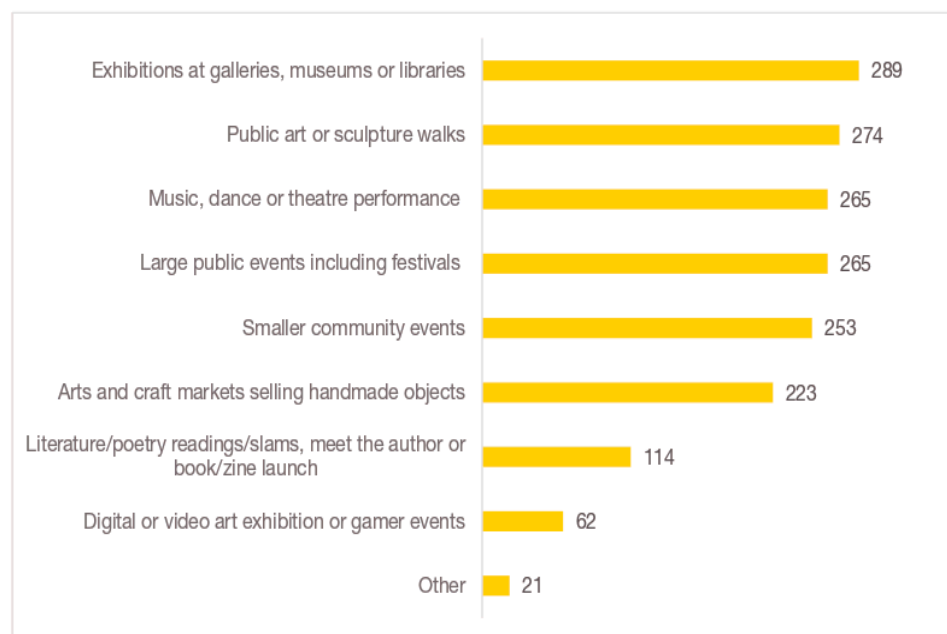
The website was open for 34 days, opening on 19 September and closing 22 October 2019.

During this time, the site experienced the following:

- 1873 visits to the YourSay Randwick webpage
- 372 surveys completed

### 4. Survey results

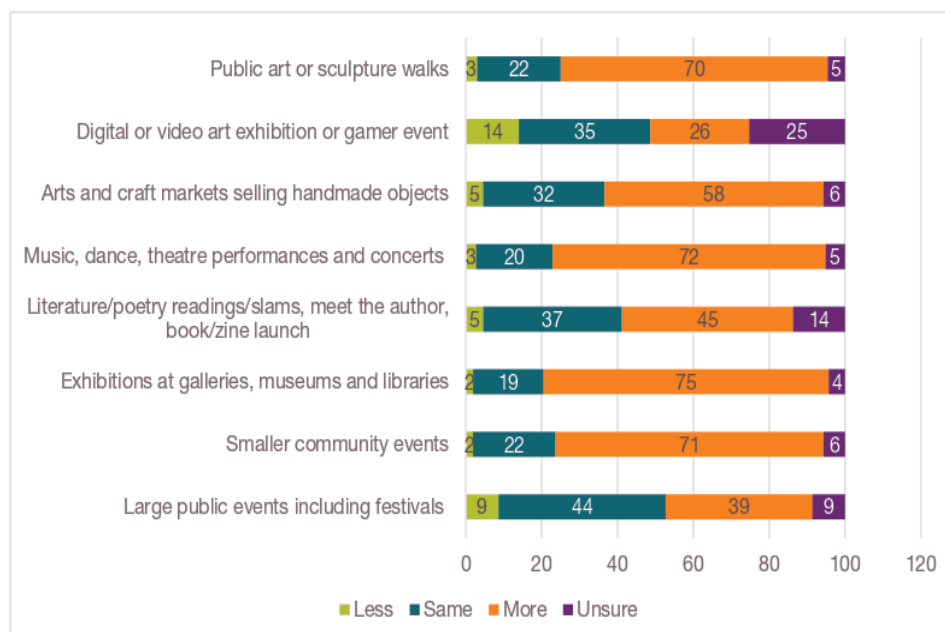
**Question: Over the past two years what types of arts and cultural activities have you attended? (choose all that apply)**



Graph 1: All respondents, n = 372.

Graph 1 shows the various arts and cultural activities respondents have attended over the last 2 years. Respondents could choose all that applied. From the graph, the most popular activity attend is an exhibition at a gallery, museum or library with 289 responses. This is closely followed by public art or sculpture walks and music with 274 responses, then dance or theatre performances and large public events both with 265 responses each.

**Question: Would you like to see more, less, or the same of the following arts and cultural events across the Randwick LGA?**

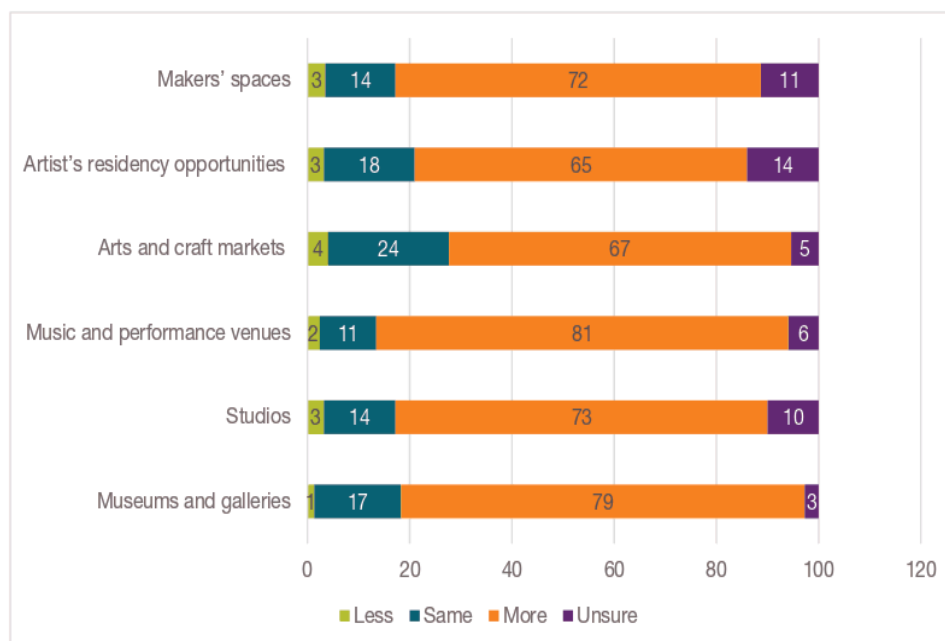


Graph 2: All respondents, n = 372. Figures shown are percentages.

Graph 2 show all responses to a series of questions relating to what respondents would like to see more or less of in relation to arts and culture in Randwick City. The results indicate the following:

- 70% want more public art and sculpture walks
- 35% are happy to keep digital/video art exhibitions or gamer events the same
- 58% want more arts and craft markets selling handmade objects
- 72% want more music, dance, theatre performances/concerts
- 45% want more Literature/poetry readings/slams, meet the author, book/zine launches
- 75% want more exhibitions at galleries, museums and libraries
- 71% want more smaller community events
- 44% are happy to keep large public events including festivals the same

**Question: Would you like to see more, less, or the same of the following types of facilities and venues to support arts and cultural across the Randwick LGA?**

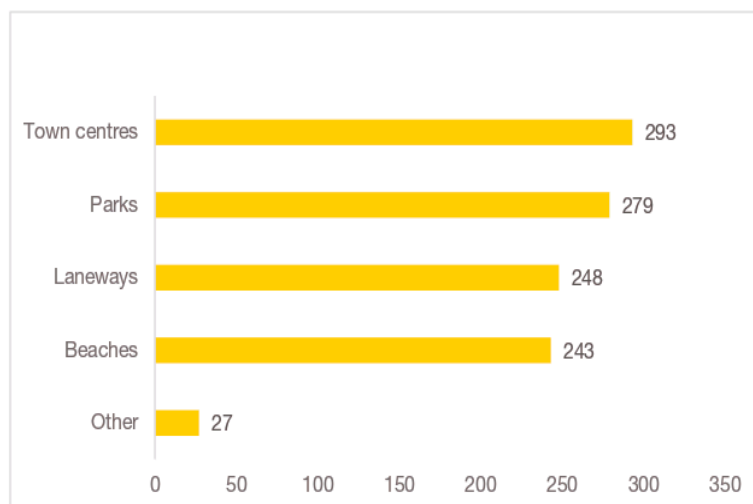


Graph 3: All respondents, n = 372. Figures shown are percentages.

Graph 3 show all responses to a series of questions relating to what respondents would like to see more or less of in relation to arts and culture spaces across Randwick City. The results indicate the following:

- 72% want more maker's spaces (a suitable space with shared resources where like-minded people can work together)
- 65% want more artist's residency opportunities (where people can go to focus on their art/performance/writing and access expertise)
- 67% want more Arts and craft markets (where people can go to buy handmade original work or sell their own work)
- 81% want more music and performance venues (where people can go to see performances or put on their own performance)
- 73% want more studios (a space where people can work on their art/craft or performance)
- 79% want more museums and galleries (a space where people can see artworks or exhibit their own work)

**Question: Can you tell us where you would like to see public art like sculpture, murals and installations in the Randwick City area? You can choose more than one option.**



Graph 4: All respondents, n = 372.

Graph 4 indicates that public art is supported in all the key areas across the city with very little difference in the number of responses received for each option. Town centres and parks are the most supported areas with 293 and 279 responses each.

#### Other places for public art

Small or large art installations can be creative 2 or 3 dimensional but be used to brighten any kind of space - particularly not just typical beach locations but the nooks and cranny's of Town Centres or where they would be unexpected.

I feel strongly about this. People come here for the natural environment. Coogee already has too many sculptures too much stonework. Please no more

Art and creative stands at Coogee Beach on all weekends. Would be great for business and creative types, and overall well-being and good vibes for the area.

I believe this question is wrongly tailored to get an answer that agrees with public art & sculpture being installed in the locality. I don't agree with this for various practical reasons, including costs 2 ratepayers of installation & maintenance.

Pop up spaces in otherwise under utilised government owned buildings.

As part of new developments ... apartment blocks, streetscapes....footpaths, carparks

Community squares, roundabouts

wherever it suits to have it

Displayed in cafes, bars, restaurants and small studios/galleries like Paddington and Willoughby do.

The more the better but in parks it may lead to vandalism

murals on fences and home walls

Digital Space

### Other places for public art

Art in the public domain should be artist and community led. Best public art is integrated and thought-provoking, the worst is a bronze statue plonked on a prominent site with a plaque. Council should engage professionals to advise for best practice.

Outside a Randwick Regional Gallery!

Community Centres and Cafes

I would like to see sculptures in unusual spaces but not a lot in numbers

Libraries

Libraries

Plazas, Meeks St Plaza Transformation, Local Pools, grass strips along Anzac Parade, Malabar Headland, light-rail stops, the footbridge billboard at corner Storey St and Anzac Parade

Bus stops

Sports grounds, aged care facilities, community centres

Library

Streets - as in public places

The walls of public and private buildings. On the outside of new developments like apartment blocks so that the community can enjoy them.

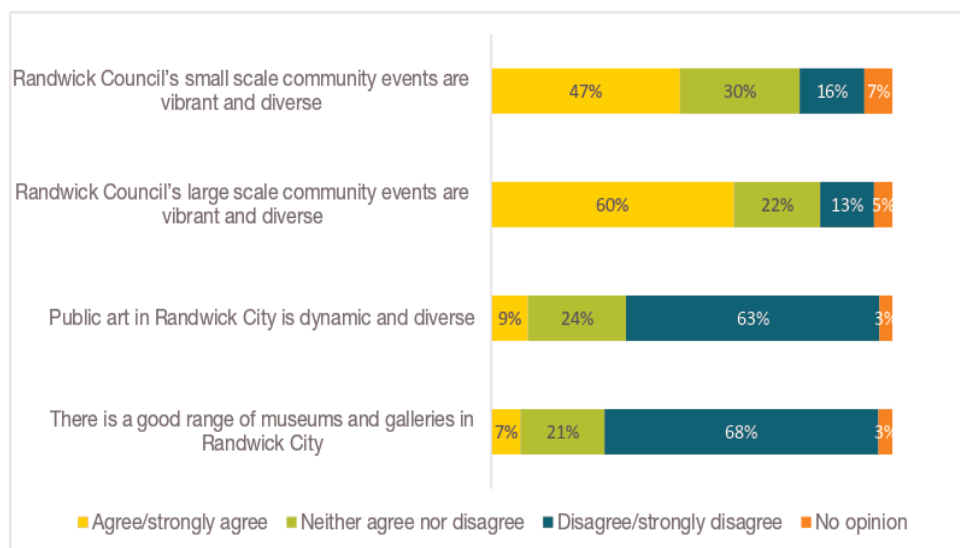
Community involved public art. There are multiple opportunities with community groups and council owned places/walls that i can identify, propose and produce artworks with community involvement.

Artist studios, exhibition spaces/galleries

Randwick Hospitals Campus

On the Rifle Range at Malabar Headland! Beach front markets! eg at Maroubra beach. Night markets or night noodle markets, eg at Maroubra beach. Art & craft activities outdoors, eg at Maroubra beach

Table 4: 'Other' places where respondents would like to see more public art.

**Question: Rate your level of agreement with the following statements**

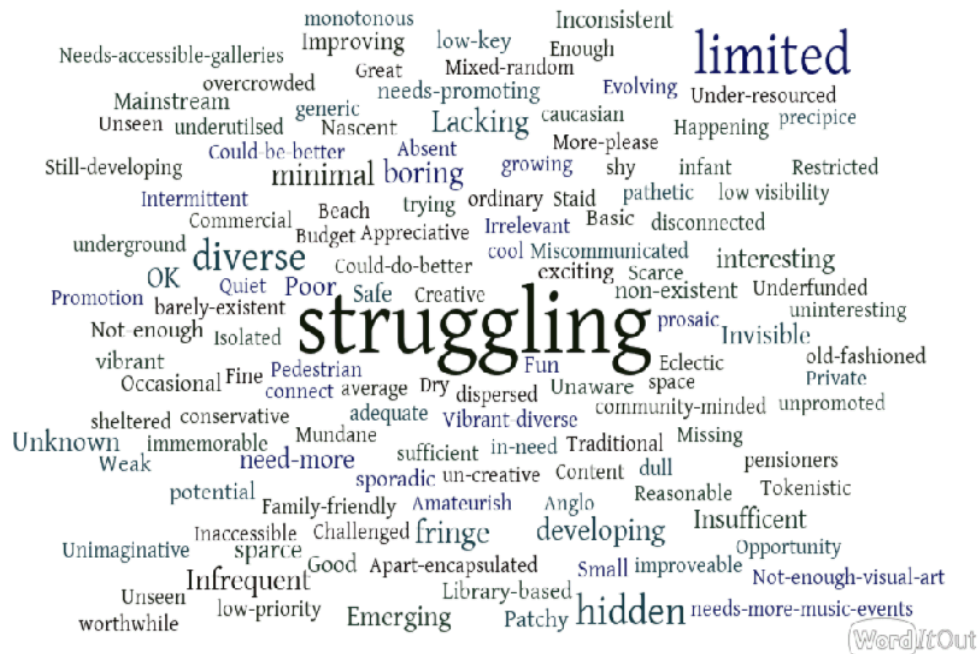
Graph 5: All respondents, n=372

Graph 5 shows the level of agreement residents have in relation to four key statements.

- The majority of respondents agree or strongly agree that Randwick Council's small scale community events are vibrant and diverse (like museum and library programs and Twilight Concerts), with a total of 47%. A further 30% neither agree nor disagree
- The majority of respondents agree or strongly agree that Randwick Council's large scale community events are vibrant and diverse (like NYE Coogee Sparkles and NOX Night Sculpture Walk), with a total of 60%. 22% neither agree nor disagree
- The majority of respondents disagree or strongly disagree that public art in Randwick City is dynamic and diverse, with a total of 63%. 24% agree or strongly agree
- The majority of respondents disagree or strongly disagree that there is a good range of museums and galleries in Randwick City, with a total of 68%. 21% agree or strongly agree



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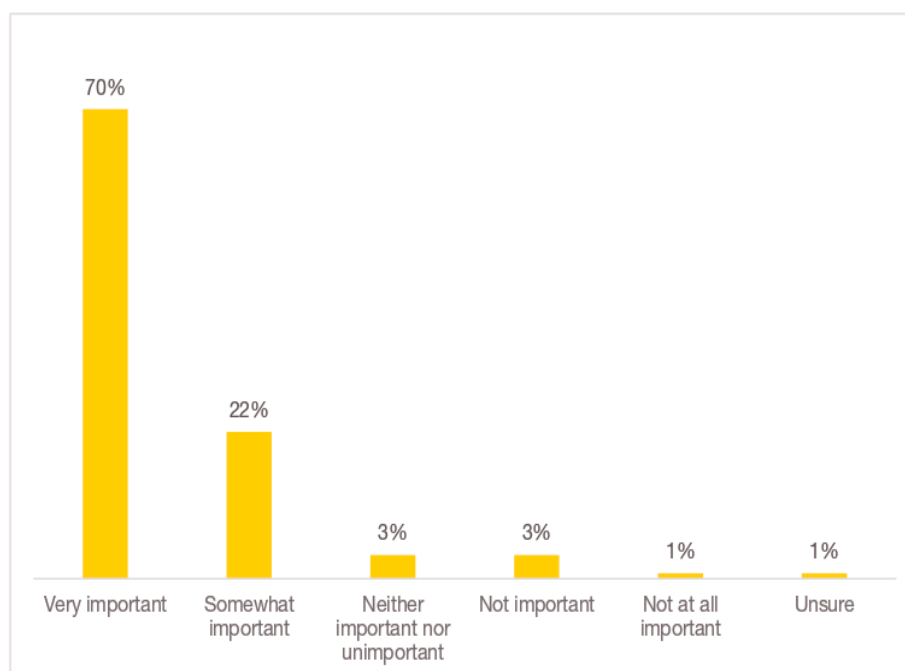


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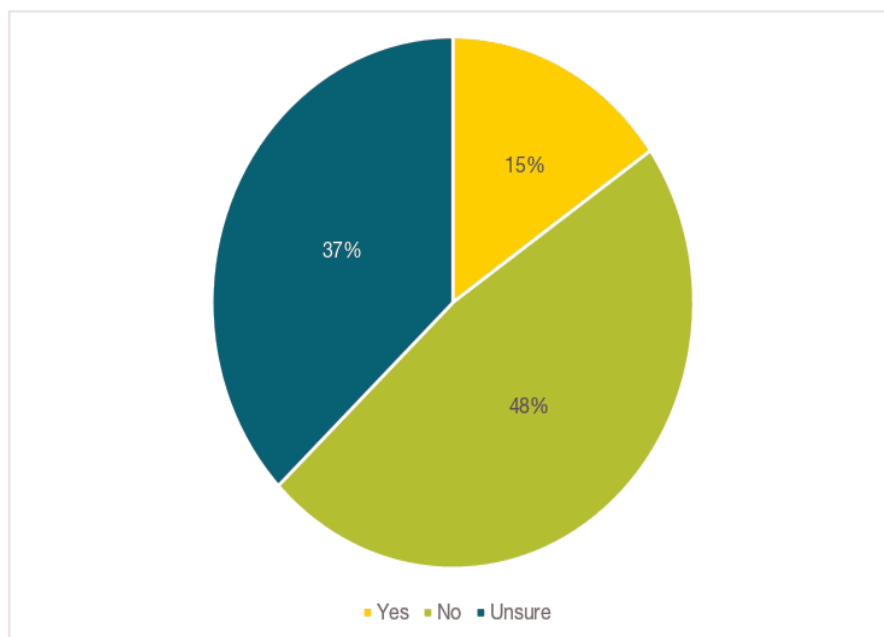
**Question: How important do you feel arts and cultural activities are in Randwick City?**



Graph 6: All respondents, n=372

Graph 6 indicated that the majority of respondents, 70%, feel arts and cultural activities are very important in Randwick City. Only 3% believe it is not important.

**Question: Do you feel Randwick City Council does enough to support arts and culture in Randwick City?**



Graph 7: All respondents, n=372

Graph 7 shows that the majority of respondents believe Randwick Council does not do enough to support arts and culture, with a total of 48%. A total of 37% are unsure and only 15% believe Council does do enough to supports arts and culture.

**Question: Why do you say this?**

**Comments re: Do you feel Council does enough to support the arts?**

Arts are important to a feeling of community

There is very little coordinated creative, regular and ongoing programs aimed at stimulating the creative spirit, either of the artists that likely abound across the City (but how would we know?) and also the participant's experience in stimulating / diverse / creative and imaginative arts and culture (an annual series of very good twilight concerts does not represent much at all). Compare this to the support and activities of Council support for the range of sports across Randwick City.

Council supports the arts and culture indirectly via the many events and activities that Randwick City Library is doing, plus the few large events and smattering of musical performances. There is currently a concerted effort to get La Perouse Museum happening and a large capital injection for the upgrade, which may not leave much money for other arts and cultural activities in the coming years. The focus in the past has been on sports/beach activities and projects which can make the investment back, such as the Des Renford Aquatic Centre gym.

I dont see a massive amount of artsy stuff around(I'm in coogee). I would like to see more Aboriginal arts and the designs around the area.

there are other things to spend money on

**Comments re: Do you feel Council does enough to support the arts?**

Always feels like an afterthought; not much communication of artist achievements; little celebration of local creatives' achievements in wider sphere - national and international; events mentioned are often parochial and amateurish; venues scarce, inadequate, hokey; Council does a great deal to celebrate sport - why aren't the arts celebrated equally? There are a lot of creatives living in Randwick City.

The Council must do everything it can to get all the locals involved in the community.

I had reason to contact the council concerning an artistic event I wanted their assistance with and, whilst well-meaning, they seem dis-engaged, dis-interested and left me feeling that I was wasting my time.

because i don't consider the taste of coogee or the spot festival to be supportive of arts and culture.

Council gives so much support and funding to sport and not enough to the arts. More people I'm told attend cultural events than sporting ones.

I feel that Randwick is supportive of 'community', it is a great one, even the events listed above like Coogee NYE is not so much an artist event rather a celebration of community. The Kaldor anniversary exhibition and events are a great example of celebrating art (through community) although these are still retrospectives and not a space for new thoughts and ideas. There should be a space for art to be experimental and exploratory to be expressionism, possibly non conformist, rather than an event to involve all the family (although these are good too). The communities within Randwick are some of the most diverse in the Eastern suburbs, this should be given a voice that could be nonlinear or push peoples conceptions, along with our celebration of beach culture.

It is not a council function.

They are currently vague and dull.

I feel the council tries. Take for example the Women's Art Exhibition at the Community Centre. From Coogee it is hard to get to by public transport and rather unwelcoming. I have stopped entering although continue to paint.

I'm not aware of everything that RCC support

I feel like for smaller artists and people wanting to display their own sculptures and artworks it is quite difficult

Although I'm interested in art I need to travel to other areas to enjoy it.

If you don't hear about it it's probably not prominent.

Randwick does the same old things year after year, There is nothing new it just follows a format mainly for families most people who live in this Council area do not have children. The current shows do not reflect the community; its safe and boring and could hardly be called culture. Very poor.

I travel a lot and, from my personal experience, I feel that Randwick City is like a second grade area compared to some other suburbs of Sydney, not to mention other cities that I visited, when it has to do with arts

Spaces need to be set aside for artists to work in residence and exhibit publicly.

I didn't find Randwick Council as supportive and encouraging of my own art as I would have liked. I am now going to request a face to face meeting here, to present some of my work and ideas, and go from there. Waverley Council was more receptive to my community and creative ideas and projects of late. I think larger and more accessible grants for artists and community leaders need to be put in place.

### Comments re: Do you feel Council does enough to support the arts?

I personally don't know of many events held of RCC that support art and culture apart from the end of year activities and some of the environment activities. If this is it, we need more.

It would be great for Randwick to become the hub of arts and culture...a little like Melbourne with food.

It would be great for places such as pubs and bars to start bringing in live bands that families could spend time watching.

Don't know what they do

I am a handmade maker and designer myself. There are no venues for selling true handmade crafts/fashion. The only market there is in the area is a once a year market which is over priced considering it is an outdoors market. There needs to be more opportunities for REASONABLE priced markets with GOOD HANDMADE products. There needs to be more support for handmade artistic small businesses.

Funds are wasted on other projects.

Eg. Toilet block upgrade in Malabar, a toilet that never gets used.

There is no space that I am aware of where people practicing arts can gather, work, and connect to each other. There are no concerts or interesting musical events planned in the future in the council. There is a general lack of events/markets/initiatives. There are some interesting ones to be honest, but they are not enough. Actually I have several ideas for how the council could improve in this area and I would be happy to meet someone to talk about this.

Can always do more

I don't do much art and culture in randwick

Compared to Waverley and Inner West Councils which have ongoing programs: opportunities such as residencies, exhibitions etc; Randwick Council could do more. It would be great if there was a permanent home for a mixed use arts precinct.

I rarely hear about any of these events. They should be encouraged, supported and promoted widely.

I feel like there is a few things on, but whenever I attend I feel like it's over run with snooty seniors

There are quite a few things happening on a small scale, But I think awareness of much of it is limited to small groups of people

I not aware of what Randwick Council does to support art.

Other than supporting unique local arts and culture, this is not an important role for local government

my aching knees don't aim to see more

Limited musical venues. Outdoor music pretty horrible, bad sound systems, so-so singers. The libraries do a good job but other hubs could do more. Instead shopping malls jam in bargain stalls. I think the streetscaping round the beaches is quite good, but public art? My initial reaction is, What public art? And we have dozens of musicians, artists, writers in the municipality, but never celebrate them.

I attended some council organised cultural activities when i first moved to Randwick (a play writing workshop, and art workshop). They were great, very appreciative. But I haven't seen much like that recently.

Only because I haven't heard of many art and cultural activities in Randwick Council. It needs to be better promoted.

I know council supports art and culture but am unsure to what degree. There is always room for more.

Comments re: Do you feel Council does enough to support the arts?
Not sure
I am only aware of library community garden spot festival NYE
Not enough events, small or large.
I am not aware of what is supported currently.
I am unaware of what RMC does at present.
I've lived here for nearly 4 years and have seen no evidence of the arts being supported or promoted in the area.
There needs to be more art and cultural events
there is allways events and place to visit
I see other councils like City of Sydney, Waverley and Marrickville doing a lot more in the arts and culture space.
It looks like serious attempts are being made but quality is inconsistent at times.
Can't help but compare with North Sydney Council who run many programs, workshops and exhibitions around themes for the local community and local artists. They have put a lot of money into the Coal Loader facility for sustainability, integrating both creativity and sustainability. And they support local artists by supplying space at the Primrose Park Arts Centre. Additionally they have
I don't see any art
our Rates are high enough now -no further increases please
I have seen the Mayor opening several art shows
Performance spaces with piano for local music teachers to use.
It all seems aimed at old people.
There is a distinct lack of venues for live music, particularly for bands and I'm not talking about cover bands at RSLs and duos in cafes doing live jukebox hits on guitar and stompbox. There are no original music venues in Randwick since Coogee Diggers stopped having bands on. We need a culture like Marrickville and Newtown.
I don't think the Council is doing enough. I think it is trying to do more and could do more.
Could do better.
If you do enough, it is invisible - need to have a sense of Randwick being a creative community and environment.
There should be a diverse range of cultural activities that council should fund. At the moment, most funding goes into a few headline events. Council can increase DA fees, especially from apartments to pay for these
You can always do more

### Comments re: Do you feel Council does enough to support the arts?

Randwick Council can't be all things to all people. In contrast to supporting arts & culture, it has other more pressing and basic demands on its budget such as planting and upkeep of street trees (which is clearly not currently allocated sufficient resources in the Council's budget), maintenance of the Council's grass verges (from which the Council has withdrawn, leaving a large number of streets overgrown and unkept), providing sufficient measures to prevent flooding to certain streets in stormy weather by regular & frequent cleaning of street gutters & clearing out of street drains (both of which is currently adequate & resulting in street flooding), provision and maintenance of more open space parks for recreation & sporting activities & so on. Until the Council gets its delivery of the basics in order for ratepayers, it is an inappropriate utter indulgence to spend limited council rate resources on activities that it broadly says are arts or cultural activities (and which activities it hasn't properly described or defined in the context of our Council area).

Not enough knowledge

I think council does a lot but I would LOVE to see a makers space with resources like laser cutters, 3d printers, sandblasted, pottery wheels and kilns. I think there need to be more spaces where the community can work creatively. There are few spaces that are accessible for low income earners/students/community members can come together and play boardgames for a day or put a DIY project together.

I think there are large numbers of artists who are keen and excited to share their work with very little opportunity to do so. By utilising members of the community to create art and cultural activities more frequently it can bring together more of the wider community to engage with. I don't believe every event should be so large scale and monetarily focused. A chance for artists of all practices to represent themselves freely are not common enough.

May do more than I am aware of

Where are the tree-lined streets, public spaces/courtyards and laneways displaying street art/decent graffiti and sculpture? Where are the creative drop-in centres? Where are the small intimate theatres for drama/music productions? Where are the cosy eating places with live music? Why are there so few street libraries?

Because I don't know a whole lot about what Randwick city council does to support arts and culture. It is not an industry I am apart of but it is an industry I am interested in and would like to be more engaged in my local area.

Nice variety is offered and publicized. Good communication

musical groups - choirs, orchestras, chamber music groups receive inadequate support, particularly compared to other councils.  
Also some centrally located musical facilities are required.  
It would be good to have some council art galleries with rotating exhibitions of local artists.

I'm not aware of much cultural activity in Randwick

It is so important for a great number of reasons,,, to all age groups, for mental health, people who live alone, people with limited means, community engagement ...it enriches all avenues of life..

Needs to be more events

Does more than other communities

I am involved in the arts myself and I see no opportunities available within Randwick shire. No artist residency programs, no sculptures/public art, no support for living and passed artists. The only piece of art I can recall is the 'large chair installation' on Coogee beach. Otherwise accessible art and creativity is unfortunately non existent in Randwick. Maroubra has no art by the sea at all!



### Comments re: Do you feel Council does enough to support the arts?

Subculture seems to be completely missing from Randwick; Street art (graffiti/buskers/break dance), music festival with techno, metal, indie, (modern) jazz (please no big band or swing),

I've been living in Waverly for last years after 15 years in Randwick and now back for 6 months ... there's a lot more happening there (sculpture walk, street art along Bondi beach, festival of wind, music programs for teens (at the pavilion)

Not enough courses are offered

There is a presence of arts and culture but it needs to be more visible.

We could do so much more in the arts and culture here in the Randwick Council are from street art, art at the beach.

I can not find interesting art in this area

There is a good range of activities on offer, however I feel that they are not widespread enough (not much where I live) and there is always room for improvement

focus of Randwick and other councils is purely development

Could be more opportunities for visual artists  
Could organise studio tours of visual artists in area  
Could have residencies for visual artists  
Could have decent space for art classes like Waverley art school

I'm probably not aware of the full range of events that RCC supports or initiates

to make this area so that all of us can mix together in a fun, relaxing and vibrant community.

probably not enough engaged with art and culture to make a judgement

Where are the galleries, small music venues? Could Council subsidise for current vacant shop fronts and make available to creative people/businesses etc?

You dont know most of the artists living in the area

Don't really look at who's supporting different events - just go to them.

At least you try. RCC has an agenda but I'd like to see Live Theatre for adults AND children supported.

I could not remember I saw any public arts somewhere in Randwick Council. I might see it on Anzac Parade only.  
There are some culture events, but not enough.

The initiatives seem to be quite old fashioned.

I am impressed as a LGA we host the sculpture by the sea. I would love to see this extended down to Coogee and further if possible. Also the NOX walk. I know the massive amount of organisation that goes into these events.

Some great things happening but would love to see more that caters to all ages and levels of mobility.

More arts support needed

Randwick Council cares a lot about its residents and spending its budget appropriately

There is no calendar of events or directory of gallery. Where can you go for classes - not listed.  
Would like a venue like Hazelhurst at Gympie. A gallery, cafe, class rooms and a vibrant community centre that also holds regular markets. Has anyone donated a property to the community lately?

**Comments re: Do you feel Council does enough to support the arts?**

I'm aware of some of the activities supported, but maybe not all. I really like the "Author Talks" at Margaret Martin Library; always terrific speakers. I have enjoyed the "Twilight Concerts", especially live performers, at Randwick Town Hall in the past, but they seem to have disappeared this year; Simon Tedeschi, "Accidental Night with the Stars", Bernadette Robinson & Jeff Duff were all terrific.

not sure

There is a good variety of arts and culture

Randwick council needs to focus on its core responsibilities to its rate payers. The cost of these cultural events are used by many outside the Randwick council area but costing the local rate payer who is not voting for this. Please focus on the core council mandate.

I really like the music events at RANDWICK town hall but there are not enough of them. They are local, you don't need to travel far and reasonably priced.

Unsure.

I find it hard to know what's going on other than what's in the monthly mail out.

Could do more

Apart from the NYE fireworks I'm not sure what other events/activities are on or supported

We had a growers market at Randwick Public but it didn't seem to get supported (by Council and Community)

The libraries do great stuff but there isn't much promotion off/for emerging artists or any annual exhibitions

Blak Markets are good

More weekend craft courses would be great - like Randwick does on sustainability etc

Dont feel sense of engagement with exsting

I'm not sure exactly what is spent /offered now

I hope for the future of this nation that arts and culture become as important and unifying as is sport. Randwick City Council should always be trying to improve, reinforce and support the arts and culture community in any way that is possible.

Not sure of current investment, always room for growth and improvement.

There seems to be a reasonable balance. Basic services to residents especially related to civic responsibility and safety should come first.

I'd like to see more of it.

I just don't know anything about the council's efforts to support arts and culture. I don't seek out that information, so I've never really heard of what is being done.

Well I see a lot going on - the libraries for instance have great literary programs but I'm often unable to get to it. The twilight concerts are great. Small scale and quality is great but I don't want higher rates to pay for more culture. I think the Council should have a busker program and allow some permits to practice small scale low amplified music at shopping centres and gathering points etc where crowds can gather without blocking walkways. I used to work in arts and events but no longer make my living that way. I do think there could be cross subsidisation in the councils activities to provide more for culture. Eg. parking meters down at La Perouse and Maroubra for the visiting public so that the resident public can have more kulcha.



## Comments re: Do you feel Council does enough to support the arts?

I think Randwick City Council is trying but maybe need to look at what other councils are doing in the area of smaller performances. The Blue Mountains have a large theatre that put on lovely productions. The Glen Street Theatre at Belrose and Rockdale also have a very active guild theatre. Melbourne have many small bars and theatres dotted throughout the suburbs. I believe Bankstown Council sponsor theatre productions with playwriting lessons to the youth in the area.

There's plenty of sports venue and activities, but very limited support/venues for arts and cultural activities. Venues are expensive to hire, limiting use by community

Seem to be doing quite a lot, I particularly like sparkles, carols, spot festival & eco festival... however I think that each should improve each year, whereas they seem to be the same & other offerings should be considered gradually  
I also think that responsible drinking should be allowed back on Goldstein Reserve for events, the only problem in the past was one year, when no extra recycling bins were provided!  
Finally I think that there should be more Aboriginal influences in events

Dont see many performance opportunities for young contemporary songwriters and musicians

I would like to see as much support for Arts in Randwick Community as there is for Sport.

Where is the space to display the creative arts...there isnt any?

I don't see a lot of promotional activity.

I don't feel it should be a major focus of Council, the current level is adequate.

They jacked up our rates by 20% so I sure hope they are doing enough for everything, and then some.

It gets all creative people together and they then pass their knowledge onto the spectators

There are more cultural events occuring in Randwick as opposed to other councils I have worked in in the past.

I know the Town Hall is being renovated but I have greatly missed the Twilight concert program this year.

I'm not aware of everything that goes on, so I imagine there's more than I know about.

Because I don't see much art and culture on public display around Randwick.

There is little involvement or encouragement from the community to be involved in/interested in art.

More venues needed for community involvement

I don't visit the LGA very much

Randwick area really doesn't have a lot of public "art" eg building murals, pavement 3-D art, public sculptures, etc...and there is a lot of potential for art projects to be encouraged, not necessarily funded by the council. In particular, Coogee has too many "memorial" type structures, so the Council should not allow any more of these memorial-type projects. We need future art projects to be uplifting, not sad. It's a very general and hard topic to get public opinion on...but there are many many wonderful art projects that are successful in cities overseas, that would have an application in Randwick/Coogee.

I am not aware of what Council does

Needs to be more visible in streets, parks etc

**Comments re: Do you feel Council does enough to support the arts?**

There seems to be a lack of gallery space (even pop-up gallery not that common) and studio space. I travel to other suburbs to see exhibitions mostly. Also, it is hard to engage with arts community. There is a great randwick art society but it falls on typical working days so working people can't attend. Weekend or night workshops in the local area would be great for community engagement.

There seem to be diverse and robust programs, but they aren't nearly as visible as sport/outdoors offerings

Nothing springs to mind re art and culture in the area

I'm not aware of the challenges faced eg budget or space - I'd relish more galleries and events that appeal to all ages particularly ways to engage young adults. I'd also like to take up pottery myself.

You only have to look at the website for arts policy it only talks about public sculpture

I appreciate that the arts don't always make profits, huge financial returns or support themselves but I do believe they are a clear indicator of the health/ well being of a community. The arts are an investment that doesn't necessarily return in financial benefits but more quality of life. Not everything is about money & profit.

Arts and culture maybe very rich in this area but it is not easy to find, not in enough public spaces and not well publicised. There is also a lack of community space such as pedestrian malls and squares where markets and exhibitions can be held within reach of the general flow of community ...I've always thought that SHORT St in Randwick should be made into a pedestrian concourse with alfresco dining...space for community events, growers and arts markets...live music and culture...I estimate only 9 parking spaces would be lost and the benefit would be a very visible community space that has the potential to change the whole dynamic of Randwick

Because I am a professional performing artist and I work in major institutions across the country. I love living in Randwick but I see very little evidence of a focus on the arts. What I do see is fairly stock standard and worn out. I think there should be significant increase in the support of artists in Randwick City Council.

There isn't enough of it.

There are no moves I know of to encourage live music. We have various club spaces available on the coast and elsewhere with dwindling participation. Get some action going on in them to encourage acts to be able to perform there regularly.

There is not enough promotion or information on art and culture events. Most of the time there is only one page with 1-2 photos on the website about the event. It will be more interesting to put a gallery or a bit more photos so people can get the vibe of the event. As an artist that does lighting design and installation design, it will be great if there are ways to find out how to express interest in participating in events and displaying artwork.

Compared to the inner west - Randwick lacks in an artsy feel. It would be great to have some street art and art galleries for up and coming artists, or bars that display artists work, bars that support young bands where people can go see unknowns in a relaxed atmosphere. Nightlife in Randwick is really lacking in colour, diversity and vibrancy.

I don't see enough events or opportunities for artists

I am unaware of any grants to support musicians in the Randwick City Council nor of any Twilight Concerts mentioned above. With more affordable performance spaces, as a musician, I would be able to perform live Classical/ Operatic music concerts for the council in which I live.

**Comments re: Do you feel Council does enough to support the arts?**

It would be good to have musical programs for adults, such as concert bands at various levels which adults participate in. Lane Cove Council is very supportive of the large organisation Lane Cove Concert Band. See [www.lccb.org.au](http://www.lccb.org.au) , including providing rehearsal rooms.

We Need more studios, places to make and to perform - this is the age of local arts! Cheaper hiring halls would help!

We don't hear about any local arts and culture activities. All of the street banners are for other things, there are few spaces along Anzac Parade for artists, community funded, accessible rehearsal spaces are hard to find, the festivals that exist have very mundane entertainment, Sydney fringe shows and Sydney festival shows rarely come to this area, local arts and culture spaces are rarely utilised, and all of the arts and culture are limited to the wealthier suburbs like Randwick and Coogee.

There are no arts awards offered by council to bring visibility to resident professional artists or to the wider arts sector. Arts and cultural grants are in competition with community and sporting events without a discrete fund. There are no artist residencies or studios offered at council properties or within council run programs such as a creative residency in the local library. There are many ways in which council could increase visibility and support for professional arts and artists.

we need more not less music and the arts in Randwick. We need to be as diverse and dynamic as the Inner West Council

Comment: the light sculpture walk is loud and obnoxious. Events should have a distinct flavour

I'd like to see more opportunity to learn dances from different cultures, a range of different languages, meet new people from different backgrounds and to participate in creative workshops eg Aboriginal basket making & dot painting, Japanese origami & creating a simple kimono. I prefer to create rather than simply purchase goods.

Only know about Twilight Concerts, library exhibitions and local art exhibitions

There is no small to medium arts sector in Randwick. The lga needs organisations on the ground who are connected to community. This is what makes an area liveable and a community harmonious

I am an artist and cannot think of one gallery or art space in Randwick City. I cannot think of a single community art space, not even a sketch club. I would happily run a sketch club. What about a Randwick Coogee Art Prize? I strongly encourage artist studios.

You don't get a strong sense of interesting art happening in public spaces... and communities would really Benefit from that

'no galleries, no studio space, no support for establishing these.

As a local artist I was priced out of the Spot Festival when stall fees increased dramatically - perhaps a cheaper stall option for local artists at such events would encourage a more diverse event.

- The little classroom building down at the Randwick Environment Park seems to sit vacant and unused a lot of the time. It would make a great studio space for artists or teaching venue for art classes.

They have supportive programs for artists like classes

### Comments re: Do you feel Council does enough to support the arts?

There is not enough representation of the arts and opportunities for creative people. This is mainly due to expensive rents. Council could do more by purchasing artworks that the community can be stimulated by, creating affordable work and exhibiting/ performing spaces. This develops best in hubs. Other businesses will grow around the hubs. The best places to start are places with parking and easy transport accessibility otherwise people won't support it readily. Considering g these factors, you will be amazed how the art community will thrive and the general community will develop a greater sense of loyalty and pride in their city. They will be happier and will look forward to being delighted and challenged by the artistic output around them.

I understand art and culture can be challenging for local government, but I see our Council's attempts for cultural enrichment are pretty average and pedestrian. Art experiences provided by councils can be incredibly exciting and diverse, there are international examples that attract a high level engagement and cultural tourism. Other councils like Waverley and Sydney are more adventurous, so there is already good work underway in our area. I'd like to see that level of ambition, professionalism and support for best-practice in Randwick.

Most money goes to sport

Not sure if it's that the support isn't there, or if people are not aware that it is there and/or do not feel empowered to access it.

I don't know what the council does to support arts and culture in Randwick

Can't recall many art or cultural activities in Randwick this year

As an emerging artist I have noticed Council's involvement and support with exhibitions held at the Coast Centre for Seniors, The International Women's Day Art Competition, the support you give to Randwick Art Society with your generous financial support and the Mayor opening our event every May, exhibitions and talks given at our libraries. Book club groups at the libraries and many other cultural events the Council supports.

We need more mural sites and more galleries

The only real arts related event I have seen was the excellent Kaldor event recently. Why are we not having these events monthly or bi-monthly? There are no galleries or visual arts events outside UNSW events. No artist talks, no artist in residency, funded artist exhibition space, arts festivals or public art opportunities. Given the size and demographic o this area, Randwick council lags behind just about all other councils. As a rate payer I am very dissatisfied with the performance in this area.

Because the arts are barely supported at all! There are no venues that come to mind in the biggest town centres such as Randwick, Coogee, Maroubra Junction. In particular, with so many makers living in the area, and sky high rents, there are no venues such as markets our maker spaces to sell. The only market that comes to mind is the Christmas market, however this event has been plagued by poor management, with minimal promotion and a bizarre practice of changing the location each year. We've had to band together and create our own blank space venue which should be receiving support/promotion from council given council has not provided any such place, yet it is difficult to access grants for such a venture. Council community grants seem to be too heavily focused on the environment (which is important) but at the expense of other important cultural agendas.

Don't see much publicity around events and places of historic importance such as Yarra Bay where Captain Arthur Philip was going to set up the first Colony. Very few interesting speakers at the libraries re their books, have attended more of these at other libraries, including the Mitchell Library, and book sellers outside the area, and these were very well attended. Few know about La Perouse and his contact with Captain Philip and why the area of Yarra Bay is historically significant.

Don't know enough about it



**Comments re: Do you feel Council does enough to support the arts?**

Craft stalls and large events do not encourage quality arts. Residents have to travel to other areas to buy supplies and visit exhibitions. Indigenous art should also be encouraged. There is no central arts hub in our area.

I enjoyed the Twilight concerts at the Town Hall last year but they seem to have disappeared this year.

I am a work as a professional artist (interdisciplinary) and a writer and I don't think that Randwick understands its local artist population or engages with them.

There aren't many events

I'm only aware of a few events. I'd like to see more

I have enjoyed many author talks and recently the John Kaldor talk. I enjoyed the night sculpture walk and concerts at the town hall.

I do not notice any real public displays of Art in Randwick, we have two shopping centres that could display local artists work.

Provision of venues, facilities and promotion

Could do more.

More is better!

What I've seen supported is nothing amazing, there are no artist hubs that I am aware of

The number of twilight concerts has decreased and there are hardly any art exhibitions. The focus seems to be on mass events like NYE rather than accessible, smaller scale offerings. If profitability of twilight concerts is a concern, stronger marketing would assist as timing (early evening) and local venue plus food are excellent, easily accessible and can be fitted around life responsibilities.

Could do more

Other councils have permanent art centres where community can attend classes, have exhibitions and invite the general public to see what is happening. Randwick Council does not. Putting a few sculptures in the street at Kingsford is not supporting the wide range of artists currently living in Randwick Council area. There needs to be a permanent home for artists to meet, collaborate and communicate to the public. A permanent gallery for showcasing school and adult artwork should be available to groups in the community.

Need major partnerships and philanthropists We don't have a regional gallery or performance space for the arts. Gallery space or workshop space for local artists that doesn't cost a fortune and in a place where community work and play. Not in a place not exposed to the public. A visionary gallery better than hazelhurst where we can have an all arts space. Beautiful gardens accessible diverse and in a popular area attracting locals and tourists. Wedding venue and restaurant to support the gallery.

Not enough spaces for people to initiate projects. Would like Council to be involved with the Sydney Sacred Music Festival and run poetry workshops in parks. Also Aboriginal Arts La Perouse is on our door step

I work in the arts but I know of so little of it in the area. Compared to other councils it seems quite minimal in amount and scale.

### Comments re: Do you feel Council does enough to support the arts?

I have tried to have painting exhibitions in Randwick and can't find a art space suitable where the public can visit easily. That is in the up town centre.

I have applied in other municipalities that have access at more foot traffic and vibrant ends of town

"Randwick City Art Gallery"

As Artists We need to show our works in vibrant busy areas of foot traffic with coffee shops and cafes.

Not in white Elephants on the dead end of town

Artists need audiences and a place to exhibit in the buzz of the town where their work can reach more people.

Thank you for this opportunity to voice my opinions.

I don't get a sense of the arts and cultural scene in Randwick at all and I am someone who is seeking these experiences out. I often go to neighbouring LGAs to get my fix!

There needs to be more events or opportunities not only for residents and visitors to experience arts and culture in Randwick City Area but also for artists/creative people to express their craftsmanship, artistry, talents and innovations.

I am a photographer & looking for temporary workspace in the LGA. It's non-existent as far as I can see. Cultural & arts practice brings economic activity to the area as well as offering lateral perspectives on life & its complexity. More should be encouraged this area of such diversity, complexity & beauty. It really doesn't need to be big, expensive & overt. Council could make use of unused, existing & temporary spaces. There are many many examples of such.

Many incredibly interesting artists, performers, musicians and writers live in the area but there are no real community studios such as in Marrickville, and no performance venues. The Randwick Literary Institute should host more activities including concerts, LGBTIQ and other dances, qi gong etc

Not evident

I often drive home after work and see a great number of drunks and intoxicated people whose main interest seems to be to go to the pub and fight bore with harmful substances.

This unhealthy management of recreational activities leads to violence, lack of safety, and an overall poorly cultured society.

As a professional musician I'd love to see more live music and other artistic and cultural events. Local venues seem to be providing less and less music, and more cheap and therefore low quality options, due to the lack of funds, interest and culture.

Have a walk in Coogee on a Saturday night, it's such a stunning area with so much potential, and it's dead! There are only two venues offering live music and they often can't even afford a full band. The result is an area semi-crowded by zombies whose brains have been lobotomised by alcohol, drugs and slot machines.

This being said, I really value and appreciate some of the events organised in the East like the sculptures by the sea and local markets/festivals, but I think there ought to be much more, and the council could encourage and financially support such events on a more regular basis.

I strongly believe this would impact the locals' lifestyle positively, bring much more happiness, attract a higher number of interesting people to the area and even increase the local businesses' economy.

The do a fair bit and it is getting better, however more still could be done.

**Comments re: Do you feel Council does enough to support the arts?**

Because I do not know what the Council does for other organisations. RCC waives the fees on Little Bay Community Centre for Randwick Art Society ( where I am a Member) once per year (we are extremely grateful) BUT WHAT WE WOULD LIKE IS A PLACE OF OUR OWN IN A VISIBLE POSITION e.g. shopping centre, where tourists can call in and we would become well known. Perhaps we could combine with Randwick Tourist Bureau? We have been established for 10 years and pay rent weekly for a room for 4 hours, once per week at the Randwick Literary Institute.

I'm very unaware of what there is in terms of arts and culture in randwick. As a large and diverse suburb I think there can be more.

There is limited evidence of RCC support. Some current interest is germinating, but we need to see the blossoms and then the seeds to produce the next generation of artistic and cultural events.

lack of outdoor live music around shopping precinct

Randwick City Council is lacking in its approach to offer a diversified allotment of services and spaces geared towards arts and cultural pursuits. Being a resident all my life I am amazed that the council does not have any ability for artists to show their work or for the presentation of high quality, curated exhibitions in a council run Art Museum. This needs to be changed.

The twilight concerts has been on hold and other events not regular enough in the area.

More activities needed, more support of artists locally and from other areas. More emphasis on indigenous arts

There are occasional moment of brilliance by hard working staff but they could be supported a lot more to facilitate larger amounts and more diverse activities.

No art center. No art gallery

Seems very sporadic in terms of time & loads of under-utilised buildings (Randwick literary institute, for example). Much more could be done to nurture arts & artists.

So many possible spaces and opportunities for amazing creativity and community building

Few venues  
Football culture so strong  
Few profesional opportunities  
No supported artist residency

Supporting arts & culture means supporting artists - I would like to see more in the way of subsidised work spaces/studios, and discounted rental exhibition spaces.  
The library has a good talks program but more could happen with the exhibitions, eg working with emerging curators/other arts organisations, bringing in visual artists/curators for library talks, pop up exhibitions at other locations etc

I do not see much expect the fire works in public programming. I do not know of any studio or maker space in the area. Public art is non existent in Randwick shopping area and public art in parks and by beaches is pretty conservative

I would like to see more opportunities for musicians I.e. a music festival similar to Newtown Festival

Because there is not enough of it.

It is not immediately evident.

lack of smaller scale diverse artistic events - exacerbated by the lack of suitable venues to hold these events

**Comments re: Do you feel Council does enough to support the arts?**

No, it's too focused on sport. More money to support culture, public art, and cultural institutions like the libraries

Randwick City Council (RCC) is on the precipice of cultural altruism. I have read various reports including "A Cultural Randwick City" (2008), "Smart City Strategy" (2018), "An Inclusive Randwick City" (2010), and "Public Art Strategy" to surmise how I believe RCC is trying, but has no clear indication of going live, with Arts and Cultural strategy. I strongly advocate for the permanent position of Cultural Officer (more eloquently could be named Cultural Architect) which would accomplish the invigoration of existing plans and further engage with existing data and spaces. I think it would work best under the City Planning organisational role that RCC provides. This Cultural Architect role could tie-in to RCC being open to an "artist in residence" (The Spot Precinct Committee, p47 'A Cultural Randwick City') which would let the person practice art whilst advocating for cultural policy.

To invigorate RCC Culture Plans, focus on dot points listed 6.3 Cultural audit in "A Cultural Randwick City" (November 2018). There is a need for new, purpose-built spaces that are operationally as carbon-neutral as possible, that also house multiple art people and art forms. Besides music, visual art, and performance, there could also be space for meetings, private writers rooms, on-set film locations, and function rooms with space for time-based art and small through large sculptures. Especially for artists who are from low socio-economic places and would benefit from using the spaces pro-bono in exchange for creating public city art, or art that could be sold from the venue. Stakeholders should feel emboldened to visit these locations to make art, to foster the art community, and above all to be present in the local area.

Also, speak with existing local businesses to find unused or disused spaces. These could include local cafes who have blank walls and empty seats, up to established small and medium businesses that have a need for revitalisation in exchange for hosting the artist's work. Add to this emerging natural sites that can also function as art venues. Specifically, the Meeks St Plaza transformation can and should have a culturally artistic focus (though specific plans will be detailed in my proposal on that site separately). Also, the disused battery sites at Malabar Headland could be transformed into another 'Sculpture by the Sea' location that also uses other art forms like graffiti and time-based art. Standing on the precipice of Malabar Headland, while engaging with the local outdoors, stakeholders should be exposed to art that visualises the place around it.

RCC is lacking in democratic access to cultural data. I envision more engagement through compiling existing information about art-making and art-presenting in the area to one cohesive database, with the ability to add to it in the future. Currently, it took me a few weeks of googling to decipher where Randwick City artists can make and showcase work, and to find other organisations that aid, including finding funding and festival information. I would like to see at the very least a monthly email or blog that compiles new and existing information more democratically, or in the long run, moving to future technologies such as blockchain and smart contracts to host this information. An exciting arts marketing program can be simple in execution and can multiply community engagement.

Though I have not written anything groundbreaking or new - that was the role of "A Cultural Randwick City", it is my opinion that not enough has been done to disseminate this information. That is why I am strongly advocating for the Cultural Architect position, and for existing and scattered cultural data to be correctly envisioned and laid bare for the benefit of all Randwick City residents. We are at the precipice of positive, carbon-neutral cultural change. Yet we are thunderous\*: loud, scattered, and full of light (\*Maroubra is the Indigenous Australian word for 'place of thunder'.)

By 2024, I would like to see artworks created and sold through Randwick City, with an emphasis on themes like Indigenous Culture, Climate Science, and Interconnectivity between cultures and peoples. I want these artworks to be from curated and professional artists right through to emerging local talent. They should be performed and exhibited outdoors at festivals, in parks, light rail stops, on grass strips, in plazas, indoors, connected to local businesses, and finally, with on-going vertical funding from local, state, and national sources.



**Comments re: Do you feel Council does enough to support the arts?**

Mothers and bubs that want to participate in art and culture events where should we go? a lot of artist are also mothers full time and i would like to see more spaces to take our kids and work in artistic projects.

I do think that the Council does a great job at supporting arts and culture in the area, however I also believe that these things could be valued more in our area. There is always room for more arts and culture - it gives so much back to the community. It would be great to see our own stories and ideas reflected back at us. Arts and culture can be a source of joy and pride. This is a council area with much community enthusiasm for sport, recreation and health. These are fabulous things to get behind, but we should also be valuing the arts, local stories and local voices - wouldn't it be great to know more about local artists? Or gallery spaces? I would love to hear more about events and programs for both children and young people to help them to tell their stories or to find out how they see our community and the world. Through music, video, audio, or traditional art-making processes, poetry, plays, stories. Perhaps we could run more programs or workshops through the existing cultural institutions in the area (such as the Libraries or the Museum at La Perouse). I am so excited about the Museum at La Perouse - am really hopeful of some meaningful engagement with the First Nations community there and would be wonderful to have some different perspectives presented rather than the usual colonial view we are always presented with. There must be room for many voices. Would love to learn about the history of the area before colonisation, as well as all the history since settlers arrived. It's a fascinating past and I am so hopeful that the Museum will address these things that were sorely lacking in the Museum previously.

There are attempts to hold events but they seem quite local in their focus. There aren't major public events near the level of Sculpture By The Sea in Waverley Council. I can't think of any that would be must-attends. Perhaps participating in Vivid could be an option.

It is not nearly supported enough as evidenced by lack of opportunities for musicians and artists with our local community. I live near The Spot where there is a significant lack of culturally diverse life, events and support. I would like to see St.Pauls Street closed to traffic, outside Kurtosh to the roundabout, and used for live music and arts performances.

Their current initiatives support the future growth of arts and culture opportunities in Randwick LGA.

Because I've not seen much of this that I am aware of, and I read the email newsletter and take the family to a fair number of local events.

It seems that is a lot about kids and young children but not much art and cultural events for adults and seniors.

It comes to mind because I don't see much around. There are some supported events; but nowhere enough for a community that is so wealthy and diverse. On the other hand I would dislike very much the money being frittered away on art when there are important such as footpaths and the like that need doing.

The one-off grants are more in-kind and not significant enough in cash terms to really encourage artists to develop and produce works in the Randwick City. If you want a vibrant arts community you need to support professional and community arts practice more generously. There are missed opportunities to tell Randwick stories through interaction with Indigenous communities, the museum and communities. We need a genuine multi-Arts Centre (Galleries, rehearsal, performance space, multi-media, craft) which is dedicated for arts events not commercial hire (ie Little Bay Cultural Centre) and reflects the diversity of the community - from University to Social Housing, from Greek to Mainland China. There are a significant number of artists living in Randwick city, but you'd never know - they should be encouraged to be involved in formulating cultural policy.

**Comments re: Do you feel Council does enough to support the arts?**

I love some of the programs offered by Randwick Council, specially the courses offered at the sustainability centre. Not sure if it depends on Council to make the arts and culture movement kick in Randwick.

I am not involved in arts community so unsure of what support is received.

Some great quality events (eg. NOX)

It seems to spend most of its art money on fireworks for 20 minutes a year... Rather have 5-7 minutes of fireworks and truly start investing in your creative community.  
Programs and facilities seem to be driven by council PR rather than being truly representational of a creative community.  
There is sadly a massive lack of dedicated community galleries, theatres, arts spaces, residency-programs and maker spaces in this area.

I haven't really seen many things marketed widely

I don't see much arts and culture in Randwick at all

I love what Randwick Council does to support arts and culture in Randwick city but it needs to do so, so much more. Arts and Culture events is what brings the communities, neighbours, friends and families together. It enriches lives and gives society a break from the isolation brought on from personal IT devices and work and humdrum of life.

lots of different things happening

It can be made profitable if private companies run events

There could be a more exciting public presence where the people are. The community centre, for example, is an isolated location - doesn't attract passersby. Better use of public buildings such as schools could help.

I'm not sure what the council currently supports.

More publicity would be helpful.

I don't see that much of it, and what I do see is often brought in from outside.

Do't really know what they do

I feel that there is basic support for Arts and Culture but there could be so much more. It should not take a survey to recognise this as art and culture is the key thing that binds and allows our community to grow and prosper. I feel that there is recognition at Council that's supporting the arts is a good thing, but we need Council to take that as a given and invest more time, energy, programs and resources in supporting, promoting and developing innovation in arts and culture for a range of communities

Because the outcomes are limited. There simply isn't much of it and what there is is white-bread carols in the park.

I accept what the Council provides.

The 10 year cultural plan put forward suggestions on how to go about establishing a thriving cultural/arts community in Randwick Council, however a lot of the recommendations such as a purpose built arts facility, artist in residence program, artist studios and an acquisitive art prize have not been implemented.

I really don't know of that many events that happen other than NOX, I feel they are often commercial opportunities rather than cultural.

Limited opportunities and lack of variety compared to other Councils.

Randwick supports a lot of community activities.

Randwick does not need to copy what is happening in nearby LGA's. Randwick should be looking to support activities that compliment or contrast with those offered in nearby LGA's.

## Comments re: Do you feel Council does enough to support the arts?

- I think the events that are put on are good, however they seem to appeal to a more family/children or older persons crowd.  
 - I think more can be done by Council to allow the market to facilitate arts and culture, rather than Council putting on events.  
 - Fee structures for hiring Council buildings such as the literary institute etc should be completely overhauled/made much more affordable to facilitate this.  
 - Perhaps there could be a better/more streamlined process for organisations to access these buildings/fee waiving rather than the organisation applying to the Council and Council voting on it. Saying this, I'm actually not too sure how this all works so I may be wrong!

Council should prioritise spending on cultural and art events in the City and collaborate with stakeholders, industry and creatives on how to do this effectively and successfully. I would like to see more outdoor music events, small bars, dancing and pop ups

I am not sure I am aware of all of the programs

because i question if there is local demand for more arts events. I would like to see a local theatre, more live music, makerspaces, artistic club activities (painting lessons/coops, book clubs etc) but i'm probably in the minority.

RANDWICK council provides a diverse range of events and programs at different venues throughout the city.

Because I would like to see more and for my kids to be exposed to more

Great large scale events.

Public art could be more supported and implemented. Other councils have public art panels encouraging this and helping with directions.

RCC has such a diverse cultural backgrounds would be great to showcase these. Loved the idea I read in the courier a while ago about doing some works on the LaPa Museum and the surrounds.

It appears to be on one level of what office people think is art, and that is employ artist, no community involvement, install boring and irrelevant public art.

Randwick Council does make an important contribution to the arts and culture. However, Council should consider establishing a facility like Hazlehurst Regional Gallery in the Sutherland Shire. This provides a gallery space, studio space, teaching facilities and artist in residence programs and is a hub for the community. A gallery should showcase Aboriginal art from our community.

It doesn't seem like a main focus for Randwick. And it's hard when there are multiple town centres that are quite dispersed. I live in North Randwick/Clovelly and never go further south than Coogee (so couldn't be bothered to go to Maroubra festivals or library for events). No car and poor bus links means anything not within a half hour walk is out. It's more worthwhile to get a bus into the city for more things, or even inner west for better/more arty things. I also see a lot of events that are for kids after school or on holidays, or for old people during the day, so not for me.

There really aren't much arts and culture events in Randwick City Council. The ones I do know about are Blak markets, the occasional markets in Pacific Square, or events that are predominantly produced and directed by NIDA and/or UNSW.

Not acutely aware of all that may be on offer, or not. RCC could always do more...and have it more known.

does not seem to be any dedicated section of council coordinating arts and culture events

Because it's true.

I am not fully aware how far (funds and facilities) Randwick City Council is providing support to arts and culture

**Comments re: Do you feel Council does enough to support the arts?**

Not enough events, not enough public art spaces, not enough galleries, not enough art shows or music festivals, not enough, not enough, not enough

I am unsure what is done by Randwick.

Its too moderated and not allowed to free flow, graffiti busters, no busking etc, not enough spaces for emerging artists

I am no interested in arts or cultural activities

There is an inconsistent approach across the LGA, and some areas like Randwick and Coogee have a strong focus, while areas like Maroubra or Malabar are not as much of a focus. There needs to be community driven events or opportunities strategy where it responds to the particular needs of individual communities across the LGA.

The arts are a measure of wealth and progress in society. If you have a thriving economy which provides wealth and comfort in level of living standards. The result is more people have time and resources to dedicate to the arts in order to advance/progress civilisation.

The events that are supported are fantastic, but they are relatively few.

When you look at council areas like Marrickville/Newtown and Eastern Sydney there are many more art galleries and creative communities in these areas. It would be nice to see Randwick offer more support to arts and offer more public spaces for the community to view this work.

Randwick does fabulously without limited large facilities ... but Randwick does more than the regular person knows about - you just look at all of the events listed in the councils annual report every year. But we do not have a 'place' or 'places' to anchor the area as a centre of arts and culture

I don't see too much.

I don't see enough examples of it.

I always see ads in the beast magazine, facebook etc about events that Randwick organise or at involved in

Not enough support for art exhibitions and art classes & opportunities for artists to have studio space and sell their work at maker spaces.

There should be more art in Randwick. There are no significant galleries, studios or art events that i know of in Randwick.

It's obvious! There is no visible Arts program. In absence of Council action artistic practice will struggle in the Randwick. I commend Council for developing an Arts-Culture Strategy.

We need dedicated arts and cultural centres to support arts practitioners and the audiences who support them

Overall the council is not good at promoting current programs nor is very good at engaging with arts/cultural workers in a way that's visible and dynamic.

It's the same old year after year. No cutting edge, really interesting, new events. It's safe and caters to the stereotype of an eastern suburbs, conservative audience.

Only moved here 6 months ago

My initial response was unsure, but that indicates that the answer is likely no; being a part of arts communities for many years, you would hear people talking about it more otherwise. (Ritz is a good exception) There seems to be many more resources i.e. underutilised real estates and public spaces to be allocated to support and cultivate artists, arts and diverse culture of the communities

I don't know about all the current support from Randwick Council.

**Comments re: Do you feel Council does enough to support the arts?**

Limited range and ambition of events

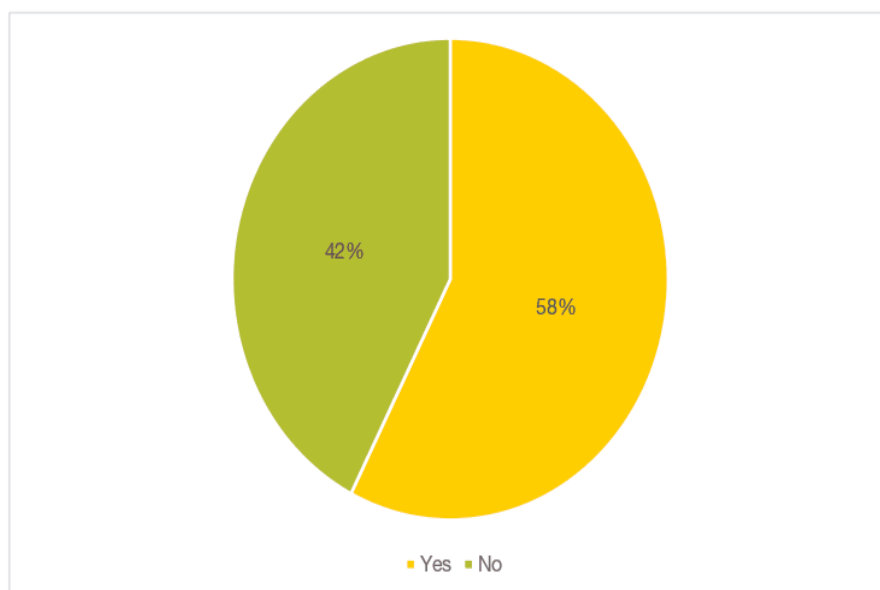
There is not enough (almost none) street art, like musicians, break dancers, graffiti artists and alike during the day on Balmore Road, the Spot, Coogee Bay Road, Coogee Beach (their sometimes are) and other main pedestrian hubs.

Non-mainstream ("underground") night clubs (dance venues) are completely missing (or have I just not found them?) - where you have different music nights like

- New Metal
- Drum & Bass
- Techno
- Punk
- HipHop
- Grung/Alt. Rock

The Arts are missing in this area. There are plenty of opportunities but they're not capitalised on. It feels like Randwick is a sport and beaches council, not a culturally engaged council. You can be all of the above. The council doesn't support the world class arts culture it could have. It is less engaged than neighbouring LCAs (even Waverly has the Bondi Pavilion). No significant infrastructure or funding for activities other than small scale community engagement. This is important, but you have to leave the area to really engage with the arts or cultural activities. It makes the area feel bland.

RCC does a lot, and I am thankful for that, but you could do more... I suppose like everything else, there's a limited budget.

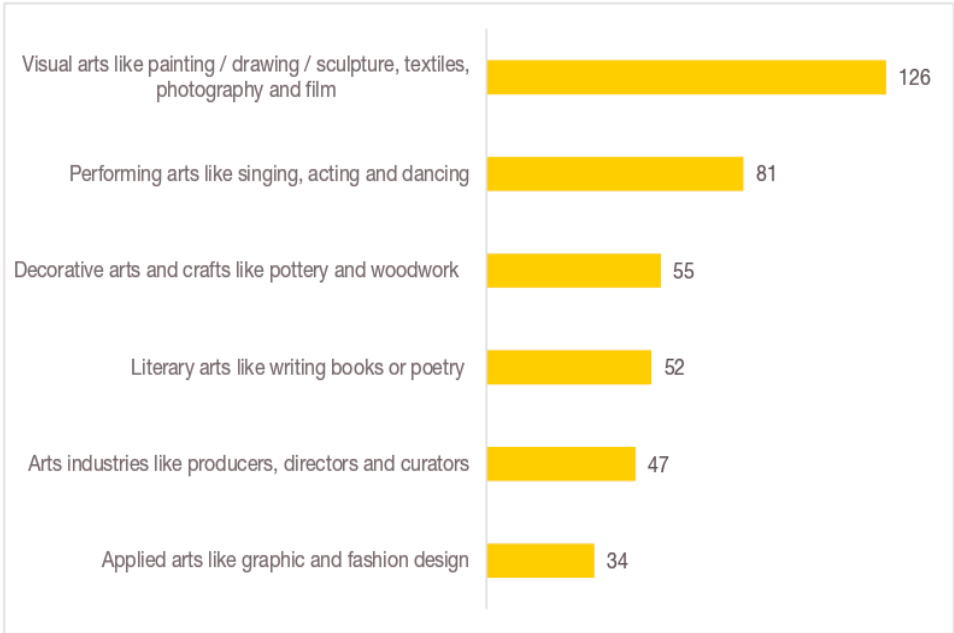
**Question: Do you learn or participate in any arts or cultural practices?**

Graph 8: All respondents, n=372

Graph 8 shows that the majority of respondents, 58% do learn or participate in arts and culture and 42% do not.



Question: What arts or cultural practices do you do? (Choose all that apply)



Graph 9: Respondents who learn or practice in arts and culture practices, n = 214

This graph shows that of the 214 respondents who said they learn or practice in arts and culture practices, most are involved in visual arts (126 responses), followed by performing arts (81 responses).

**Question: How would you describe your arts practice?**

Graph 10: Respondents who learn or practice in arts and culture practices, n = 214

This graph shows that of the 214 respondents who learn or practice in arts and culture practices (a total of 214), a majority of 42% are hobbyists, followed by those who are professional or semi-professional, a total of 29% and 20% respectively.

## 5. Submissions

One additional submission was received via email to Council.

"My husband and I loved very much Twilight Concerts at Randwick Council. We will be very happy this brilliant initiative continues."

## 6. Next Steps

The next step for Council is to use the information collected in the survey to write the Arts and Culture Strategy. The strategy will look at ways in which Council can do more to support the arts and cultural sector in Randwick and build capacity. The importance of the Strategy will be to inform the Randwick City Council 10 year plan which will enable the development of a thriving arts and culture sector in the city of Randwick.





## Director City Planning Report No. CP43/20

### Subject: Draft Kensington and Kingsford Development Control Plan Post Exhibition Report

#### Executive Summary



- The draft Kensington and Kingsford Development Control Plan (draft DCP) was exhibited from 5 August to 11 September 2020. A comprehensive consultation program was undertaken to engage with the community and relevant stakeholders. A total of 174 submissions were received from community members, landowners, and industry stakeholders. A summary of key issues raised and responses to those submissions is contained in **Attachments A and B**.
- The draft DCP translates key objectives and implementation actions from the K2K Planning Strategy (endorsed by Council in 2019) and provides detailed planning controls to guide development applications (DAs) within the Kensington and Kingsford town centres. The draft DCP supplements recent amendments to the *Randwick Local Environmental Plan 2012* (RLEP 2012) which introduce new heights and floor space ratio provisions for sites across the Kensington and Kingsford town centres, in addition to affordable housing, community infrastructure contribution and design excellence requirements.
- The draft DCP covers a range of design matters including: new built form controls for all sites within the town centres, detailed design guidelines for development including heritage and contributory buildings, a design excellence process for landmark buildings in strategic locations, environmental provisions covering landscaped area, flooding and sustainability, parking rates, and public domain improvements. The draft DCP also provides supplementary information to support inclusionary zoning to increase the amount of affordable housing and a community infrastructure contribution to ensure that adequate levels of community infrastructure are delivered across both town centres to meet community needs.
- This report reviews the key issues raised in these submissions, recommends a number of amendments to clarify or enhance the draft DCP, and seeks Council's endorsement to finalise the DCP. Adoption of the K2K DCP is the final stage in the planning review process for the Kensington and Kingsford town centres which commenced in 2015.

#### Recommendation

That Council:

- a) note the issues raised in submissions received during the public exhibition of the draft Kensington and Kingsford Town Centres DCP (draft DCP) and that, in accordance with Section 21 of the Environmental Planning and Assessment Regulation 2000, these issues have been thoroughly considered and are not of such significance as to warrant a further re-exhibition of the draft DCP;
- b) endorse the draft DCP as amended and shown in highlights and tracked changes in Attachment C for finalisation, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation, and commencement when published via a public notice on Council's website;
- c) endorse the repeal of Part D1 (Kensington Centre) and D2 (Kingsford Centre) of the Randwick Development Control Plan 2013 in accordance with the requirements of the Environmental Planning and Assessment Act Regulation 2000, and to take effect when published via a public notice on Council's website; and
- d) agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, graphical, interpretation or formatting issues.

### Attachment/s:

1.  Attachment A - Agency submissions table
2.  Attachment B - Summary of key issues raised by the community
3. Link to Attachment C (draft K2K DCP post exhibition changes)

CP43/20

## Purpose

The purpose of this report is to detail feedback received during the public exhibition of the draft Development Control Plan for the Kensington and Kingsford town centres (draft DCP). It is recommended that the draft DCP be adopted incorporating proposed changes to the block controls, clauses, explanatory notes and graphics as indicated in red in **Attachment C**.

## Background

The Kensington and Kingsford town centres have been subject to a lengthy planning review undertaken over 2015-2019 to bring the planning framework up to date and ensure that a robust, comprehensive and place-based strategy is in place to guide future development, address population growth and demographic changes, and accommodate the Sydney CBD to South East Light Rail infrastructure.

The comprehensive planning process involved the preparation of the K2K Planning Strategy which determined a vision for the town centres, and a subsequent Planning Proposal which outlined new heights and density provisions for all sites cross the centres, an inclusionary zoning mechanism to increase the amount of affordable housing, a community infrastructure contribution to facilitate community infrastructure delivery and a design excellence process for strategic sites.

On 14 August 2020 the subject legislative amendments to the RLEP 2012 were formally gazetted by the Minister for Planning, and accordingly the Kensington and Kingsford town centres now have a new statutory planning instrument in place to control the bulk, scale and density of development, and which provides the framework for the delivery of affordable housing, community infrastructure and design excellence.

## Draft Development Control Plan Kensington and Kingsford Town Centres

The draft DCP is a supplementary document to the RLEP 2012 provisions for the Kensington and Kingsford town centres. It provides detailed built form and design controls to guide development applications (DAS) for new development, and alterations and additions to existing development.

The draft DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulations. It covers a range of design matters including:

- New block by block controls for all sites within the town centres including transition heights, setbacks, street walls and mid-block links to address solar access, privacy, visual bulk and scale impacts to neighbouring properties and improve legibility and accessibility within the block structure.
- Additional guidance on the new design excellence process requiring proponents to undertake an architectural design competition to select the best possible design outcome for landmark buildings at key node sites.
- Strengthened design guidelines for heritage items and contributory buildings including: upper level setbacks to protect historic facades, requirements to retain, restore and reinstate significant features and building elements on visible elevations (e.g historic fenestrations and openings, awnings, lighting and historic signage) and controls for the sensitive design of infill development to respond positively to existing heritage items and contributory buildings.
- An array of environmental provisions covering sustainability, landscaping and flooding. Of note, the draft DCP introduces a new provision requiring that new development provide landscaping equivalent to 100% of the site area through green walls, roofs etc.
- New parking rates which take into account the new public transport infrastructure and high level of accessibility to employment centres such as the Sydney CBD and Randwick Collaboration Area.
- A comprehensive suite of public domain improvements from new plazas, street trees and public art to footpath widening to accommodate outdoor dining.
- Further detail on the RLEP 2012 inclusionary zoning approach which requires all new development to provide affordable housing units; and

- Further detail on the community infrastructure contribution approach which requires a contribution towards the provision of community infrastructure based on the uplift of development.

### Public Exhibition of the draft DCP

The draft DCP was publicly exhibited from 5 August to 11 September 2020 for public feedback. A consultation strategy was prepared to guide the exhibition of the draft DCP and included a range of informative measures targeted at the following stakeholders:

- Residential and business community, including formal groups such as precincts and business chambers
- Other landowners
- State Government Agencies: Bayside Council, School Infrastructure (Education), Environment Protection Authority, Premier and Cabinet, Heritage (OEH), Transport NSW, Department of Infrastructure, Transport, Regional Development and Communications and Sydney Water
- Internal staff and Councillors.

The consultations comprised the following activities and materials:

- Exhibition period for 5 weeks exceeding the statutory minimum of 28 days
- Dedicated Yoursay website for information and submissions
- Direct written notification to all property owners within the centres
- Direct written notification to existing databases of interested persons
- Direct written notification to resident precinct group and chamber of commerce
- Referrals to relevant government agencies and stakeholders
- Referral to the independent expert Design Review Panel (already undertaken); and
- Planners available by phone or email on any queries.

### Submissions Overview

A total of 177 submissions were received during the exhibition period from a variety of stakeholders including Government Agencies, Peak Bodies (e.g. Property Council of Australia), major landowner representatives, and individual members of the community. Of these, the majority related to a specific site, while the remainder covered a wide range of topics. A breakdown is shown as follows:

Submissions from Specific Groups	
Government Agencies	7
Peak Bodies	1
Major Landowner Representatives (Block Controls)	25
Individuals	144
<b>TOTAL</b>	<b>177</b>
Key issues raised (Number of times each issue was raised):	
Block Controls	26
Density and Overdevelopment	128
Student Housing	100
Parking, Transport and Traffic Generation	171
Kensington Public School [safety of students and impact on amenity]	155
Other key Issues (Covid-19 impacts, inadequate green/public space, loss of character)	98

## Summary of Website (YourSayRandwick) Activity

A dedicated website was established for public exhibition of the draft DCP at [www.yoursayrandwick.com.au/dcp](http://www.yoursayrandwick.com.au/dcp). It contained downloadable copies of all exhibition material, as well as FAQs and additional background information. The website was well used by the community, and the key statistics below illustrate its valuable role in both providing information and being a channel for feedback.

### Key Statistics

- 2,232 visitors to the site
- 2,586 site visits and 5,858 page views
- 1,249 documents were downloaded
- 134 submissions were made via the 'YourSayRandwick' webpage.

Facebook post (22.8.20) reached 21,916 people, with 2967 engagements and a total of 100 comments posted.

## Submissions Analysis

All submissions on the draft DCP have been recorded and analysed with Council's responses tabulated in **Attachments A and B**. This section of the report summarises the main submitters under the following headings:

- Government Agencies and Peak Bodies
- Major Landowner Representatives
- Resident/Other submissions.

### Government Agencies and Peak Bodies

Feedback was sought from a range of Government Agencies and Industry Peak Bodies with an interest in particular sections of the draft DCP. Eight submissions were received from this category of stakeholders including six submissions from the following Government Agencies:

- Bayside Council
- Department of Infrastructure, Transport, Regional Development and Communications
- NSW Environment Protection Authority
- Transport for NSW
- School Infrastructure NSW, Department of Education
- Department of Premier and Cabinet, Heritage NSW
- Sydney Water.

One submission was received from the following Peak Body:

- Property Council of Australia.

Issues raised generally sought clarification of the draft DCP controls and their application to the agency/landowner sites, minor editing including updates to references to legislation, guidelines and best practice, consultation measures as well as development assessment and consent requirements. Several minor amendments are proposed to the draft DCP as a result of the Government Agency and Peak Bodies submissions. A summary of Agency submissions and Council's response is provided in **Attachment A**.

## **Major Landowner Representatives**

Twenty-five detailed submissions were received from major landowners and/or their representatives with an interest in developing specific sites. The submissions generally focused on specific block controls under Part B of the draft DCP including distribution of heights and density, upper level setbacks as well as the location of mid-block links and shareway/laneways. Urban design consultants CM+ were engaged to review the submissions relating to block diagrams. Refer to the section on 'Issues Raised in the Submissions' of this report (1 Block Diagrams).

## **Resident / Other submissions**

A total of 144 submissions were made by individuals or consultants on behalf of landowners, residents and persons with an interest on the sites. The majority of these eighty-six had a focus on matters affecting Kensington Public School such as enrolment capacity, overshadowing, overlooking, urban heat island, light pollution, noise, and wind tunneling impacts. Comments were also provided on a variety of other DCP sections and controls including traffic congestion, parking, insufficient/inadequate public spaces, overpopulation, loss of public amenity/character, etc. The submissions and responses are summarised in **Attachment B** with several improvements/clarifications proposed in the draft final DCP as a result of issues raised.

## **Issues Raised in Submissions**

This section of the report summarises the main issues raised in submissions and makes recommendations for the draft final DCP under the following headings:

1. Block Controls
2. Density and Overdevelopment
3. Parking, Transport and Traffic Generation
4. Kensington Public School
5. Other Key Issues.

### **1. Block Controls**

As aforementioned, Council received 25 submissions regarding the block controls for several sites across the Kensington and Kingsford town centres. The submissions raised the following concerns:

- Heights and maximum FSR's for certain blocks do not calibrate
- Fragmented land ownership patterns makes amalgamation difficult to achieve on certain blocks
- Required shared ways are difficult to achieve due to topographical constraints and would reduce the achievable development footprint
- The proposed Bowral St Plaza in Kensington may constrain ability for sites to provide vehicular access
- Upper level building setbacks to the towers reduce viability
- Proposed building setbacks including upper level setbacks to contributory buildings, would reduce development potential and impact on feasibility
- Proposed storey controls are too onerous as they reduce the ability to maximise the number of storeys in a development
- Minimum frontage requirements of 20m for redevelopment should be reduced to improve amalgamation opportunities
- Required 22m building depth control for residential development is restrictive
- The maximum 600m<sup>2</sup> tower footprint should be reviewed as it restricts design flexibility.

A number of submissions also have requested review of height and density controls for certain land within the residential zone (adjoining the town centre). These will be reviewed and considered as part of the comprehensive LEP process.

### **Response**

The block diagrams have been designed to align with the separation, setbacks and building depth requirements contained in the Apartment Design Guide of SEPP 65, and to ensure consistency with the draft DCP's Guiding Principles, Desired Future Character of each town centre and Design

Excellence provisions. The independent consultant review by CM+ has taken into account issues raised in the submissions and has applied consistent principles in the review across all sites.

The consultant review has resulted in the following recommended modifications to the block controls:

- Introduction of 'Flexible Zones' to allow alternative design solutions for internal site configurations and adjoining property interface. Built form outcomes would still be required to be consistent with the ADG and the maximum FSR/height standards in RLEP 2012, whilst ensuring suitable height transition to existing lower scale adjoining development. This will allow for a site strategy to demonstrate that a better environmental outcome can be achieved based on the particular opportunities and constraints of the site and the design response.
- Allowing a 10% variation subject to the 600m<sup>2</sup> tower floor plate subject to architectural merit.
- Application of a 3m or 4m upper level setback to buildings above 4 storeys.
- Maintaining the 4 storey street wall height, allowing a variation of up to 6 storeys for contributory buildings subject to architectural merit.
- Requiring that public plazas be open to the sky with up to 20% covered subject to architectural merit.
- Proposed shared ways and laneways are to have a minimum 6m width, clear height of 6m, can be provided under a building where the building is over 3m in height, have a maximum 18m distance and have active frontages.
- Provide a 2m building setback to existing laneways.
- Relocation of a small number of mid-block links and shared ways in response to safety concerns raised by TfNSW and to ensure a better urban design outcome for the block.

Updated block diagrams are incorporated in the draft DCP (**Attachment C**) resulting from consultant review of the block controls.

## 2. Density and Overdevelopment

A total of 127 submissions were received opposing the heights and densities planned for in the Kensington and Kingsford town centres, based on concerns that it would result in overdevelopment, and impact upon the character and amenity of sensitive land uses and surrounding neighbourhoods. A number of submissions also raised concern that the new heights and densities for sites would set a precedent for other landowners to seek a spot rezoning along Anzac Parade.

### Response

The comprehensive review of the Kensington and Kingsford town centres was undertaken to ensure that the local planning framework is up to date and capable of accommodating the Government's projected population growth targets while supporting urban revitalisation. The review was instigated in response to a number of unsolicited planning proposals received along the Anzac Parade corridor which sought excessive heights of up to 25 storeys in some instances.

Council has worked with urban design consultants to develop appropriate building heights, densities and built form controls to ensure that the town centres can accommodate additional dwellings to meet mandated dwelling targets while minimising opportunities for adverse amenity impacts to surrounding properties such as reduced solar access and privacy and excessive visual bulk and scale.

The heights and densities are a result of careful modelling and testing of the entire Anzac Parade corridor which has determined that mid-rise buildings (up to 9 storeys) across the majority of the town centres would deliver a human scaled urban environment that facilitates openness to the sky and solar access as opposed to being dominated by a wall like built form. The urban design work also identified a limited number of locations where taller slender landmark buildings would be appropriate to define strategic corners, maximise locational advantages of being adjacent to the light rail infrastructure and to create variety and interest in the built form from an urban design perspective. It is worth noting that the urban design process had a key focus on improving the urban environment through a high-quality ground floor plane which includes widened footpaths, plazas, landscaping and public art.



The maximum building height and densities (FSR) for sites across the Kensington and Kingsford town centres are incorporated in the RLEP 2012 as development standards and were formally gazetted on 14 August 2020. It is important to emphasize that as per the legislation the draft DCP cannot alter the RLEP 2012 maximum height and FSR standards.

The draft DCP block controls supplement the RLEP 2012 development standards by encouraging site amalgamation and distributing the height and densities across each block to reduce visual bulk and scale as viewed from surrounding properties, and to ensure a high level of amenity is maintained. This includes reducing the number of storeys and increasing setbacks adjacent to sensitive land uses and incorporating shared ways/laneways as a buffer between higher scaled building forms in the town centres and lower scaled residential neighbourhoods. The heights and densities for the town centres are considered to be appropriate and strike a balance between allowing moderate uplift whilst ensuring that the public realm and amenity for surrounding properties is protected and enhanced.

In terms of setting a precedent for spot rezonings, it is unlikely that any spot rezonings for the town centres would be supported given the currency of the heights and FSRs. Council's policy approach is not to support spot rezonings of individual sites and rather, to undertake a holistic strategic review of an entire precinct or block where a wide range of planning considerations can be assessed. Moreover, amending the heights and FSRs as part of a sport rezoning process would be at odds with the strategic merit test under the Department's guidelines which requires amongst other matters, that the consideration of rezoning proposals to be only undertaken in those circumstances where the planning controls are over 5 years old.

### **3. Parking, Transport and Traffic Generation**

A total of 85 submissions (83 resident submissions, 2 peak body/agency submissions) were received raising concern about the draft DCP parking controls including parking rates for specific land uses including student housing. Other submissions raised concerns regarding traffic congestion and loss of on-street parking for surrounding residents. These issues are summarised as follows:

#### ***Parking Rates***

The majority of submissions (85) regarding parking rates raised concern that lower rates for specific uses such as student housing would have adverse flow-on impacts on the surrounding street network through reduced on-street parking availability. Transport NSW's (TfNSW) submission to the draft DCP is generally supportive of the proposed parking rates with a request that the rates for vehicle service delivery be increased due to increased demand for freight distribution. Furthermore, TfNSW has also requested that the car parking rates be applied as maximums to capitalise on the high level of accessibility to employment.

#### ***Response***

The proposed parking rates in the draft DCP (section 21) have been informed by comprehensive traffic and parking demand assessments undertaken by independent consultants (Arup) in 2017 and 2019. The assessments have incorporated modelling based on the latest census data and car ownership patterns and trends, which has identified a substantial drop in car ownership and use for employees and residents in the area. The assessments have concluded that these trends are likely to continue into the future in the view of improved public transport and accessibility to employment and services in the corridor.

While Council's original approach under the K2K Strategy was to apply parking rates as maximums, under the draft DCP parking rates have instead been applied as minimums. This is considered to offer a more balanced approach between encouraging sustainable transport modal use and catering towards a reduced amount of private car ownership. Minimum parking requirements offer surety that a level of parking would be delivered as part of site redevelopment, as opposed to maximum parking rates which would offer more flexibility for proponents, however less certainty for the community.

#### ***Traffic Generation***

Submissions raised concern that the lower parking rates and higher densities proposed would result in substantial traffic generation within the local area. Several submissions were focused on



increased traffic generation and safety concerns around Kensington Public School Precinct stemming from increased densities around the Todman Avenue strategic node sites.

#### Response

One of the key principles of the draft Planning Strategy is a shift away from reliance on private vehicles and to prioritise active and sustainable transport including pedestrian walking paths, cycling infrastructure and use of public transport. This is consistent with regional and district planning principles, Council transport policy and City Plan. As noted in this report, the traffic and parking analysis undertaken for Council by ARUP in 2017 and again in 2019 investigated the anticipated level of traffic from both residential and commercial development. Modelling analysis has been informed by RMS assumptions and expected traffic movements within the precinct in the context of new light rail infrastructure.

The modelling and analysis have shown that there will be reduced reliance on private vehicles within and around the town centres given the availability of frequent public transport services and high accessibility to employment nodes. Furthermore, the modelling has shown that increased traffic movements associated with redevelopment of the town centres can be accommodated within the street network. Council has also earmarked two key intersections at Todman/Anzac Parade and Barker/Anzac Parade for upgrades to improve carrying capacity and traffic movements and to reduce delays. These upgrades are being funded from the Community Infrastructure Contributions mechanism from new development proposals and will be undertaken over the next 2-3 year period. Intersection improvements together with recently reduced traffic speed limits along Anzac Parade (from 60km/hr to 50km/hr) will enhance pedestrian and cycling safety within the precinct. Planned and federally funded walking and cycling upgrades along the Centennial Park to Kingsford corridor will also improve safety and amenity for pedestrians and bicycle riders. These improvements include a safe separated bi-directional cycleway along Doncaster Avenue from Alison Road to Day Avenue, continuing along Houston Road to Sturt Street, providing an important local and regional connection which forms part of the Sydney Principal Bicycle Network. Pedestrian safety and connectivity along Doncaster Avenue and the length of the corridor will be enhanced via new pedestrian crossings, safer intersections and traffic calming treatments including road and pavement markings to indicate shared zones and areas of potential conflict between vehicles, bicycle riders and pedestrians. Accessibility will also be improved through the upgrade of pavements and pram ramps. In addition, streetscape upgrades will add approximately 50 trees along the route, increasing shade to improve amenity for pedestrians and bicycle riders. Aside from improving safety for pedestrians and bicycle riders, these upgrades will also make it easier for people to access light rail stops on foot or by bicycle, reducing private vehicle use.

#### **4. Kensington Public School**

Eighty six submissions were received objecting to the draft DCP on the basis that it would affect the privacy, safety, and well-being of students at Kensington Public School. In particular, concerns were raised about impacts of an increase in population on local school enrollments which are currently at capacity. Submissions noted the potential for high rise developments to overshadow the school playgrounds, create privacy issues through overlooking and give rise to pedestrian and cycling safety risks through increased traffic generation in the locality. The submissions also commented on environmental impacts on Kensington Public School such as the urban heat island affect, light pollution, noise and wind tunneling.

#### Response

Council has consulted with SINSW throughout all stages of the comprehensive planning review where it has been confirmed that Kensington Public School is at capacity and cannot accommodate increased student enrollments. SINSW has confirmed its commitment in working with Council to ensure that school needs are supported and resourced in response to student population changes.

In terms of environmental planning impacts, the draft DCP approach for blocks adjoining the western boundary of the school has been to incorporate transitional heights of 16m and 19m to reduce the potential impact of visual bulk and scale. In addition, buildings cannot be built to the boundary and would be subject to substantial setbacks ranging from 6m-9m. Privacy impacts would be mitigated through the draft DCP requirement of a generous landscape buffer along the western boundary of the school as well as appropriate screening and window orientation.

In considering environmental impacts, the draft DCP has a strong focus on improving the environmental quality of the town centres to ensure sustainable outcomes. These include reducing parking rates (section 21), prioritising sustainable transport modes such as public transport use, cycling and walking, and high landscaped area requirements (section 20) to mitigate the urban heat island effect and improve air quality. The draft DCP contains controls on wind flow (section 28), requiring that developments over 9 storeys provide a wind impact assessment to maintain comfortable ground level conditions for pedestrians and to incorporate specific design features to ameliorate adverse wind conditions such as wind tunneling.

## 5. Student Housing

A number of submissions (67) addressed the issue of student housing in the town centres, with the majority raising concern about poor amenity standards for future occupants such as inadequate living space and parking for residents of such developments. A number of submissions (17) raised concerns that the current COVID-19 pandemic has resulted in significantly less demand for student housing, leaving behind undesirable buildings within Kensington. Concerns have also been raised that student housing does not encourage community involvement, would result in social isolation and transient residents (16 submissions) and question affordability.

### Response

The RLEP 2012 B2 Local Centre zone applies to both Kensington and Kingsford town centres and permits a range of retail, business, commercial and residential uses. Student housing is a permissible use within the B2 Local Centre zone as it falls under the definition of 'boarding house'. The draft DCP cannot prohibit student housing nor dictate the mix of permissible land uses within the town centres as these matters fall under the statutory requirements of the RLEP 2012.

In terms of locational benefits, town centres such as Kensington and Kingsford are suitable for purpose-built student accommodation given their proximity to the University of NSW and Randwick TAFE, mix of services and facilities and excellent access to frequent bus and light rail services. Purpose built student housing also lessens the demand for housing stock in suburban areas (outside of town centres) where amenity impacts are often greater due to the intensity of use associated with such developments in a lower density context.

In relation to the perception of lower student housing demand due to the COVID-19 pandemic, Council has notably continued to receive enquiries from proponents and DAs for new student housing developments within the town centres throughout 2020. The delivery of student housing, like other specific land uses is determined by market supply and demand trends. It is also worth noting that large construction projects of this nature generally encompass a 18-24 month long planning, design and delivery process, and are therefore likely to come online during the post COVID-19 recovery phase.

In relation to the issue of amenity standards for student housing, the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP), contains a range of standards for boarding houses which currently apply to student housing. The SEPP specifies requirements on room sizes, private open space, minimum parking, bathroom and kitchen facilities, and on-site management. It also requires those developments to be consistent with the local character of the area. Council's local planning framework cannot override the minimum requirements of the AHSEPP including minimum room sizes and parking requirements. Notwithstanding this, section 24 of the draft DCP contains a suite of design and operational requirements that supplement the AHSEPP standards including sustainability, community space amenity, acoustic measures, and management and security measures. These are intended to work together with the AHSEPP standards so that student housing developments have a high level of residential amenity and provide a quality living and study environment.

In relation to the contribution of students to community life, there are clear socio-economic benefits to Randwick City. These include local expenditure and job creation, active street life, support for the night-time economy and opportunities for integrating innovation, creative uses and start-ups by leveraging from the proximity to UNSW. Students also have higher public transport utilisation, higher rates of walking and cycling and low car ownership rates.

Issues relating to affordability of student housing are noted, however the Affordable Housing SEPP as currently drafted does not include a cap on rents able to be charged by student housing providers.

## 6. Other Issues

### ***Planning for COVID-19***

A number of submissions (10) requested that the planning and design of buildings should consider challenges associated with the COVID-19 pandemic including the need for social distancing and limiting numbers of people in apartments, shared facilities and workplaces.

#### Response

Matters such as social distancing and limiting numbers of people gathering indoors and outdoors fall under NSW Government health policy and dealt with under the Public Health Act 2010. All future buildings and use of spaces would be required to comply with health and BCA requirements and specific health directives relating to social distancing and cleaning management practices.

### ***Loss of green space***

Thirty seven submission were received commenting that the draft DCP would result in the loss of public and green space within the town centres.

#### Response

The K2K Strategy which underpins the draft DCP, outlines a number of planning interventions to increase the amount of public space in the town centres as part of the redevelopment process. These interventions are translated into the draft DCP through controls which require wider building setbacks to improve the carrying capacity and pedestrian amenity of footpaths, 8 new and upgraded urban plazas as part of future redevelopment along the Anzac Parade corridor (e.g Todman Square, Meeks St Plaza, Rainbow Street town square), pedestrian links and shared access ways. In addition, the draft DCP requires substantial landscaping on redevelopment sites, together with new shared-ways and mid-block links which will create a sustainable and green boulevard as envisaged in the K2K Strategy. Future green space was also envisaged in the Strategy through the creation of an urban forest on the southern edge of the Racecourse site.

### ***Impacts on the water table***

Comments raised concerns about the impacts on the water table and structural integrity of nearby buildings as a result of higher developments (27 submissions).

#### Response

Council's K2K Strategy recognises the shallow groundwater levels across the two centres, noting that levels are responsive to seasonal variations and may fluctuate up to 1 metre between dry and wet weather periods. Development applications lodged within the corridor are referred to the NSW Office of Water for assessment and a water license may be needed to permit excavation. Section 23 – Water Management of the draft DCP contains provisions which supplement the existing RDCP 2013 Chapter B8 by requiring applications involving basement levels to be designed by a qualified hydrological engineer or structural engineer and for a second qualified engineer to peer review the designs at the expense of the building owner.

Council's existing RDCP 2013 provisions are aimed at ensuring that construction activities do not adversely impact on the groundwater or neighboring properties. Provisions require proponents to certify that the basement level will preclude the need for dewatering after construction, will be suitably waterproofed and tanked and include groundwater management systems to maintain natural flow paths of groundwater around the development.

### ***Loss of character***

Concerns have been raised about the loss of character as a result of the higher density development proposals (25 submissions).

#### Response

A key driver for the comprehensive planning review has been the urban design challenges affecting the town centres such as older building stock nearing the end of their life cycle and an outdated public realm. Given these challenges, the K2K Strategy and draft DCP have focused on strengthening the identity, local character and sense of place to improve the liveability, economic prosperity and sustainability of the two centres.

A community-driven place-based planning approach has been central to the review process. For instance, in developing the K2K Strategy, Council undertook an international urban design competition which involved substantial community input to help define the urban design principles of the centres. The community specifically sought green boulevard and links, widened footpaths, prioritised walking and cycling, a range of community benefits, affordable housing provision and improved sustainability outcomes. These desired town centre characteristics have been translated into specific clauses in the draft DCP.

The Kensington and Kingsford town centres are expected to undergo rejuvenation and economic revitalisation which will result in high quality, contemporary built form and urban design outcomes. The draft DCP accordingly, will help realise the desired future character of the town centres which has been shaped by local community aspirations.

### Amendments to the draft DCP

In response to issues raised in submissions the following amendments are proposed to the exhibited draft DCP (refer to **Attachment C**):

- **Part A- 2.1 Guiding Principles**
  - Reference to protecting the heritage significance of heritage items and contributory buildings within the town centres and in the vicinity in surrounding areas.
- **Part A-6 Built Form (Lot Amalgamation)**
  - A new clause requiring proponents to prepare schematic diagrams showing how an isolated site could potentially be integrated into the development site
  - Clarification that alternative designs may be considered where lot amalgamation cannot be achieved if the proposal exhibits design excellence and consistency with block control objectives.
- **Part A- 6 Built Form (Building Setbacks)**
  - New clause requiring new developments to provide an upper level setback transition along the façade stepping back to avoid exposing party walls on adjoining existing buildings.
- **Part A- 8 Laneway and Shared Zones**
  - New explanatory notes requiring that the planning/design of shared zones/laneways reference the *Roads and Maritime Services Technical Direction 'Design and Implementation of Shared Zones Including Provision for Parking'* and that future management of shared zones would be determined at the DA stage.
- **Part A- 9 Heritage Conservation**
  - Updated maps and block diagram showing the location of heritage items, contributory buildings and conservation areas in the vicinity of the town centres.
  - New objective requiring the consideration of impacts on the heritage significance and character of heritage items, contributory buildings within and in the vicinity of the town centres (e.g. Daceyville heritage conservation and Dacey Gardens in the Bayside LGA).
  - Removal of the contributory building at 22-28 Gardeners Road Kingsford consistent with recent advice presented by Council's expert heritage consultant in a court challenge for this site.
- **Part B – Block Diagrams**
  - Updated block diagrams which include: 'flexible building zones' allowing for built form to be distributed across most blocks subject to appropriate design resolution and sensitive transition to lower scale adjoining development. A new clause and explanation has been included in the draft DCP (Part B)
  - New objective and control for the Todman Square Precinct requiring a cohesive design response across the four corner sites in terms of built form, scale and massing.

- New objective and control for the Kingsford Junction Precinct to ensure development is sympathetic to the heritage significance of Dacey Gardens and the Daceyville Heritage Conservation Area
  - Block K1: Allow up to 20% of the building that fronts Todman Ave to cover the proposed Todman Paza. The 8.5m ground floor setback to Todman Avenue is maintained for the purposes of providing a generous public plaza.
  - Block K2: Allow vehicular access from Todman Avenue, separated from the pedestrian link running north-south.
  - Block K3: Relocate the east-west pedestrian link from the northern edge to the middle of the site and remove requirement for this link to provide vehicular access onto Anzac Parade. Vehicular access to be maintained via a north-south shared way off Todman Ave. This will allow the nine storey component to be built to the northern boundary.
  - Block 1: allow the pedestrian link from Anzac Parade to Wallace Street to be located as a design response. Remove the requirement to provide vehicular access from Anzac Parade to Wallace Street given Transport for NSW concerns about traffic conflicts in this location next to the light rail. Building separation on the eastern edge adjoining the residential development is maintained. Reorientate the block controls north-south to enable new development to achieve improved solar amenity.
  - Block 17: Alter the block diagram to allow the proposed podium courtyard to be aligned with the adjoining block courtyard.
  - Block 20: extend the block controls over the property at 191-197 Anzac Parade Kensington as this is now part of a redevelopment block. Provide a 2m setback to the adjoining pedestrian laneway on the south-eastern side.
  - Block 24: Removal of the east-west vehicular access at the northern edge onto Boronia Street as the topography prohibits this being achieved. Altering the north-south vehicular access at the rear of the Anzac Parade building to be for pedestrian access only and maintaining vehicular access off Boronia Street only for this part of the block. This will necessitate removal of the 1m building height zone on the RLEP 2012 Alternative Building height Map for this part of the block. This alteration can be made as part of the housekeeping amendments to the RLEP.
  - Block 25: Removal of the east-west vehicular access at the northern edge onto Boronia Street as the topography prohibits this being achieved. Future basement access can be provided from Anzac Parade subject to RMS/TFNSW approval
  - Block 28: Allow vehicular access from Bowral Street.
- **Part C – 13 Solar Access**
    - Amended clauses to clarify in relation to student housing that at least 60% of rooms are to achieve solar access on those sites that have a north-south orientation.
  - **Part C – 14 Acoustic Privacy**
    - Amended controls clarifying that future development is to achieve the acoustic amenity criteria for residential developments and noise criteria for commercial operations recognising the need for a balanced approach to noise management. The clauses recognise the desire to provide a vibrant environment for the town centres whilst not compromising the acoustic amenity of residents. The updated provisions have been workshopped with expert acoustic consultant to provide mutual noise criteria for both source and receiver premises.
  - **Part C – 18 Awnings**
    - New objective and control requiring that awning design and siting are to maintain public realm, pedestrian and traffic safety.
  - **Part C – 20 Landscaping**
    - Revisions to landscaping requirements as follows:



- Reduce the amount of landscaping on the ground plane to 10% (from 25% as this would be difficult to achieve given the extent of basements in a town centre context)
- Green walls can contribute up to 20% of the total gross landscaped area on a site (increased from 10%). This provides greater flexibility and incentivizes green walls
- Note- there is no change to the requirement for total landscaping equivalent to 100% of the site area.

- **Part C – 21 Transport, Traffic, Parking and Access**

- Clarification that a Green Travel Plan is required for DAs for new buildings and substantial alterations to existing buildings
- Revised service and delivery rates for residential development and supermarkets to ensure adequate facilities are provided on site.

- **Part C – 22 Sustainability**

- Clarification that all new development is to address the requirements of B6 Recycling and Waste Management
- New control requiring that new buildings provide a space for storage and sorting out of problem waste (E waste, clothing and hazardous waste)
- New explanatory note that DAs are to have regard to the *'Better Practice Guide for Resource Recovery in Residential Developments'* (NSW EPA)
- Revised electric vehicle charging station requirements.

- **Part D – 30 Affordable Housing**

- Revised dates for when the affordable housing contribution is to apply to align with the gazettal of amendments to the RLEP 2012 pertaining to the inclusionary zoning mechanism for Kensington and Kingsford town centres.

- **Part D – 33 Advertising and Signage**

- New objective for signage/advertising proposals to have regard to the safety of road users including pedestrians, motorists and the light rail
- Clarification of what a signage plan is to address (desired future character, design excellence, relationship to heritage character, visual clutter and light spill impacts, cumulative impacts having regard to existing signage in the vicinity)
- New control requiring that above awning signage, roof/sky signs, and signs greater than 20 sqm be referred to the Randwick Design Excellence Panel for comment.

- **Part D – 34 Air Quality**

- New section on air quality including requirements for DAs to submit a report from an air quality consultant on design and construction measures to reduce air pollution and improve indoor air quality
- a statement addressing the NSW Government *'Development near rail corridors and busy roads – Interim Guideline'*
- an air quality study for proposals for sensitive land uses such as childcare centres.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	4. Excellence in urban design and development.
Direction	4a. Improved design and sustainability across all development.

## Resourcing Strategy implications

The draft DCP was prepared principally in-house with staff resources across Strategic Planning, Development Assessment and GIS teams and specialists as required. Specialist consultants to undertake a review and update the block diagrams and to prepare acoustic provisions were funded within current budget allocations.

## Policy and legislative requirements

Under the *Environmental Planning and Assessment Act 1979*, Council is the 'consent authority' responsible for making and endorsing the changes to the Randwick DCP. Under the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation), Council is responsible for considering submissions made to the exhibition of the draft DCP and approving the plan with 'any such alterations as the council thinks fit' (clause 21 (1)). The EPA Regulation also makes provision for the publishing of the final DCP on its website (cl21 (2), (3) and (4)).

## Conclusion

The draft DCP for the Kensington and Kingsford town centres is the final stage of the comprehensive planning review of the centres which has been ongoing since 2015. The draft DCP aligns with the vision and key actions of the endorsed K2K Planning Strategy 2019 and supplements recent amendments to the RLEP 2012 which introduces new maximum heights, FSR, a design excellence process, a community infrastructure contribution and inclusionary zoning mechanism applicable to sites within the Kensington and Kingsford town centres. The draft DCP has been underpinned by a community driven place-based approach to shape the desired future character of the town centres.

The draft DCP has been developed with specialist input including urban design, acoustic and traffic/parking. The objectives and controls therein provide design guidance for DAs to enable the realization of the vision and support the rejuvenation and revitalization of the Kensington and Kingsford town centres. The draft DCP focusses on strengthening the identity, local character and sense of place to improve the liveability, economic prosperity and sustainability of these centres.

The draft DCP was placed on public exhibition from 5 August to 11 September 2020 to ascertain community and stakeholder feedback. Approximately 177 submissions were received from property owners and their representatives, Government agencies and the general community.

The key issues of concern raised are overdevelopment, distribution of heights, density, shared ways and mid-block links across a number of blocks, parking and traffic generation, impacts upon the Kensington Public School and student housing developments.

In considering views expressed, a number of amendments to the draft DCP are recommended. These changes reflect Government Agency specialist input and consultant reviews of the block controls to ensure an improved urban design outcome for the town centres. On balance, and in consideration of the matters raised in submissions it is recommended that Council endorse the draft DCP for finalisation.

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**Responsible officer:** Stella Agagiotis, Coordinator Strategic Planning; Asanthika Kappagoda, Senior Strategic Planner

**File Reference:** F2019/01418



AGENCY	KEY POINTS	COUNCIL'S RESPONSE
Bayside Council	<p>2.1 Guiding Principles</p> <p>The guiding principles are supported. It is further requested that heritage items and conservation areas in adjoining local government areas be considered as part of the guiding principles.</p>	<ul style="list-style-type: none"> <li>Supported. It is recommended that the draft DCP be amended to include reference to heritage items and contributory buildings both within the town centres and adjoining areas.</li> </ul>
	<p>3.1 Kingsford Town Centre: Statement of Desired Future Character</p> <p>Request that the Statement of Desired Future Character be amended to require the consideration of the integrity of heritage items located in neighbouring local government areas.</p>	<ul style="list-style-type: none"> <li>Supported. It is recommended that the Statement of Desired Future Character for both town centres be amended to include reference to heritage items and contributory buildings within the centres and adjoining areas.</li> </ul>
	<p>9. Heritage Conservation</p> <p>Proposed objectives and controls requiring the submission of a Heritage Impact Statement to address potential impacts on nearby heritage items or heritage conservation areas in adjoining local government areas is supported.</p>	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>
	<p>Part B</p> <p>10. Block Controls</p> <p>Kingsford Junction Precinct — Desired Future Character</p> <p>The requirement for the design response to be sensitive to the surrounding heritage context, including Dacey Gardens is supported. It is further requested that the broader Daceyville conservation area be referenced in the statement and objectives.</p>	<ul style="list-style-type: none"> <li>Supported. It is recommended that the Kingsford Junction Precinct — Desired Future Character statement and associated objectives be amended to include reference to the broader Daceyville Heritage Conservation Area.</li> </ul>
	<p>10.3. Block by Block Controls — Other Sites</p> <p>The proposed Desired Future Character Statements for blocks 16, 17, 18, 19 and 19A which adjoin Dacey Gardens have adequately addressed the adjoining Dacey Gardens.</p>	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>
	<p>Part D</p> <p>27. Solar Access - Public Open Space Controls</p>	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>

	The proposed controls to limit overshadowing of Dacey Gardens are noted.	
Department of Infrastructure, Transport, Regional Development and Communications	Noted that the maximum building heights in the DCP (above 12 storeys) will potentially intrude into protected airspace for Sydney Airport. The Department advises it would be unable to issue a 'blanket' approval for building heights in excess of 51 metres AHD in the Kensington and Kingsford Town Centres as this would constitute a breach of international aerodrome safety standards. Any future development, in these areas, exceeding 51 metres AHD in height will be subject to an assessment process under the Regulations.  To provide more certainty consider specifying a maximum building height limit of 51 metres AHD in the Town Centres or clearly stipulate that Council building approvals in these areas will also be subject to consideration under the Regulations.	<ul style="list-style-type: none"> <li>To clarify, amendments to the maximum building height standards for the town centres were recently gazetted in the RLEP 2012 and are outside the scope of the DCP.</li> <li>The draft DCP (Part C section 24) clearly stipulates that any development exceeding 51m AHD would be subject to approval under the Airport (Protection of Airspace) Regulations.</li> </ul>
	It is recommended that Council continue to liaise with Sydney Airport on the acceptability of the proposed maximum building heights as well as arrangements for any associated crane activities to ensure that approvals required under the Regulations are obtained <b>prior</b> to construction commencing.	<ul style="list-style-type: none"> <li>Noted. Every DA for development intruding into the prescribed airspace is required to seek approval under the Commonwealth Legislation.</li> </ul>
	The potential effects of light poles in Sydney Airport's lighting restriction area may also require review by the Sydney Airport.	<ul style="list-style-type: none"> <li>Supported. It is recommended that the draft DCP be amended to include an explanatory note regarding the potential effects of light poles in Sydney Airport's lighting restriction area.</li> </ul>
Property Council of Australia	Request that the maximum building heights in the DCP support the building heights within LEP and not impede achievement of LEP maximum building heights.	<ul style="list-style-type: none"> <li>The transitional heights articulated in the block controls underpin the RLEP 2012 heights and are based on site amalgamation. The transitional heights distributed across each block have been developed through careful modelling taking into account individual site characteristics, built form of recently constructed buildings, amenity implications for adjoining properties (i.e.: solar access, privacy and visual bulk and scale) and the character of surrounding lower density neighbourhoods.</li> </ul>

		<ul style="list-style-type: none"> <li>The transitional heights in certain locations are considered appropriate and would provide a good urban design outcome to support the vision for the town centres as having a predominant human scale with excellent amenity for occupants and surrounding areas.</li> </ul>
	Laneways & Shared Way Zones. The draft DCP should be improved to better explain the obligations for landowners with respect to land needed for this infrastructure and how it will be managed.	<ul style="list-style-type: none"> <li>The draft DCP requires the provision of laneways/shareways to improve accessibility, connectivity and permeability across the block structure and to provide a service function for waste management and parking.</li> <li>The block diagrams (Part B) clearly show the appropriate locations for share ways/laneways for each block. These are supplemented by planning controls for new laneways/share ways ( Part A section 8) which outline the required widths, materials and finishes to enhance the pedestrian environment. These controls together with the block diagrams are considered to adequately convey the need for and location of laneways across both town centres.</li> <li>In terms of management of laneways/shareways this issue is to be determined on a case by case basis at the DA stage. An explanatory note is recommended for inclusion in the draft DCP on management/maintenance arrangements for laneways/shareways.</li> </ul>
	Part C of the DCP requires development to conform to a housing mix determined by Council. There must be greater flexibility provided in this section for developments to meet the housing needs of future residents and owners.	<ul style="list-style-type: none"> <li>The K2K Planning Strategy identifies the need to provide a mix of housing to meet the changing demographic needs of the community including an aging population, smaller household sizes and an increase in families with children.</li> <li>The proposed housing mix (Part C section 11) appropriately takes into account likely future demographic changes and would help meet the specific housing needs of different ages, physical abilities, lifestyles and life stages.</li> <li>The proposed housing mix controls are considered adequately flexible.</li> </ul>
	Floor to ceiling heights are set out in the National Construction Code and the NSW Apartment Design Guide. Council's DCP should not be prescribing a minimum floor to ceiling height.	<ul style="list-style-type: none"> <li>Not supported. While it is noted that floor to ceiling heights are set out in the National Construction Code and the Apartment Design Guide, inclusion of more generous floor to</li> </ul>

		ceiling controls in the DCP is considered necessary to ensure that rooms have adequate amenity such as a greater sense of spaciousness and access to sunlight and daylight. Importantly the floor to ceiling heights proposed allow for flexibility and adaptability so that sites are able to respond to changing uses over time.
	Carparking requirements within the DCP should encourage the take up of public transport and a mode shift towards use of alternative transport such as walking, cycling and transit.	<ul style="list-style-type: none"> <li>The reduced parking requirements for Kensington and Kingsford town centres are underpinned by the following factors: <ul style="list-style-type: none"> <li>- balancing sustainability outcomes while allowing a reasonable amount of parking on site;</li> <li>- supporting the planning principle of land use and public transport infrastructure integration;</li> <li>- capitalising on the high level of accessibility and proximity to key employment centres, business services, education, dining and other entertainment activities;</li> <li>- availability of frequent light rail and bus services.</li> </ul> </li> </ul>
	Landscaping requirements within the DCP must be both practical and feasible. They should be applied reasonably and generally align with SEPP 65 and the Apartment Design Guide advice.	<ul style="list-style-type: none"> <li>The landscaped provisions (Part C section 20) have been developed to align with the vision for Kensington and Kingsford as being green and sustainable. The provisions which require that each site provide landscaping equivalent to 100% of site area have been tested on numerous sites across the Anzac Parade corridor and are considered to be achievable. However to ensure a level of flexibility in provided for so that developments can reasonably achieve the requirements, it is recommended that the draft DCP be amended to: <ul style="list-style-type: none"> <li>- reduce the amount of landscaping for the ground plane to 15% (down from 25%) acknowledging that most developments within the town centre will have a basement area that covers a large portion of the land;</li> <li>- allow green walls to contribute 25% (up from 10%) of the total landscaped area requirement</li> </ul> </li> </ul>

		<p>- allow roof tops to contribute 50% (up from 30%) of the total landscaped area as long as some of the landscaping is visible from the public domain</p> <p>These amendments would still achieve the objectives of this section of the DCP of enhancing the centres and achieving environmental benefits.</p>
	Acoustic Privacy & Natural Ventilation sections of the DCP should align with SEPP 65 and the ADG and any requirements above those should be removed from the DCP.	<ul style="list-style-type: none"> <li>• Not supported. The acoustic privacy provisions have been strengthened recognising the mixed use nature of town centres and later trading hours to ensure an adequate level of amenity for residents. These are based on recommendations from the Randwick City Night Time Economy Committee and advice from an independent acoustic consultant.</li> <li>• The proposed natural ventilation provisions are designed to comply with the SEPP 65- ADG requirements and emphasise Council's expectations for high quality and amenity apartment design.</li> </ul>
	Sustainability. For residential development, the DCP cannot impose standards beyond those found in BASIX SEPP. Other requirements can only be applied to non-residential development types.	<ul style="list-style-type: none"> <li>• Noted. The draft DCP sustainability provisions align with the K2K Planning Strategy's vision for the town centres as green and sustainable with a high level of amenity. Furthermore, the draft DCP provisions reflect Council's policy position on environmental sustainability under the Randwick City Environmental Strategy which has objectives and targets for renewal energy, tree canopy, and reduced greenhouse gas emissions. On this basis, it is appropriate that as a major renewal precinct the town centres have a higher performance benchmark for sustainability than provided under BASIX.</li> </ul>
	Student Accommodation. Council will be aware the Department of Planning, Industry and Environment has exhibited an EIE to prepare a Housing Diversity SEPP that has proposed a new definition for "purpose-built student housing". The Draft DCP should take note of the EIE and its implications on the draft DCP.	<ul style="list-style-type: none"> <li>• Noted. The draft DCP controls for student housing will be further reviewed against the Housing Diversity SEPP for consistency once it is released for public comment.</li> </ul>



	Public Art. The requirement for developments on private land to provide public art is not supported. Given the COVID-19 induced recession, the obligation for public art to be installed in development is currently unreasonable. This obligation should be delayed until the economic situation in NSW improves.	<ul style="list-style-type: none"> <li>Not supported. The provision of public art is considered important in improving the public realm and fostering vibrancy and sense of place within the Kensington and Kingsford town centres. The installation of public art would not only improve the urban environment but would have a positive economic impact by creating employment opportunities for the arts and creative sectors.</li> </ul>
	Affordable Housing. The requirement for all contributions under the LEP affordable housing scheme to be made by dedication of land is not supported. Affordable housing contributions should be allowed to be made either through a monetary contribution to Council or the dedication of land.	<ul style="list-style-type: none"> <li>Not supported. The inclusionary zoning affordable housing mechanism is an RLEP 2012 (clause 6.18) requirement and outside the scope of the draft DCP. As per the RLEP 2012, and the Kensington and Kingsford Affordable Housing Scheme affordable housing contributions are to be made via the dedication of affordable housing units with any remainder being paid by a monetary contribution.</li> </ul>
NSW Environment Protection Authority	<p>Air pollution appears not to be adequately considered in the Draft Kensington and Kingsford Town Centre DCP. For example, in O'Riordan St Alexandria, fine particle (PM2.5) from vehicle pollution extends well beyond the first row of buildings and into surrounding areas. Even if half the traffic in Anzac Pde has entered or left before reaching Kensington and Kingsford, it appears that PM2,5 will exceed national health standards.</p> <p>Use of electric vehicles will increase, but NSW modelling indicates vehicle non-exhaust emissions (particles from road, brake and tyre wear) will also increase. In this regard the DCP would benefit from controls to provide protection from current or future sensitive land uses in the corridor.</p>	<ul style="list-style-type: none"> <li>Supported. It is recommended that the draft DCP be amended to include provisions to address air pollution. Suggested controls are summarised as follows:</li> </ul> <p>Example proposed provisions:</p> <p><b>Explanation</b></p> <p>Air pollution has the potential to cause harm to the natural environment and create adverse effects on human health. Research has shown that long term exposure to air pollution (even low levels of air pollution) may lead to respiratory and inflammatory illnesses and other more serious health conditions. Air pollution along main roads is created by motor vehicle exhausts, including vehicle non-exhaust emissions (particles from road, brake and tyre wear). Incorporating natural ventilation within buildings is important to achieving fresh air flow. Incorporating green walls and indoor planting areas also assists to filter impurities. The Infrastructure SEPP (clause 101 (c)) requires consideration of the impacts of vehicle emissions on land which has a frontage to a classified road.</p>

		<div> <a href="https://www.designingbuildings.co.uk/wiki/Air_quality_in_the_built_environment?utm_medium=website&amp;utm_source=archdaily.com">https://www.designingbuildings.co.uk/wiki/Air_quality_in_the_built_environment?utm_medium=website&amp;utm_source=archdaily.com</a>   <a href="https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/planning-principles/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf">https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/planning-principles/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf</a> </div> <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To encourage both new and existing developments to be designed to provide good indoor air quality for occupants</li> <li>• To protect residents from the harmful effects of air pollution</li> </ul> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>DAs are to include a report from a suitably qualified air quality consultant that addresses building design solutions and construction measures that reduce air pollution and improve indoor air quality for occupants;</li> <li>DAs are to submit a statement which explains how the proposal has addressed the NSW Government 'Development near rail corridors and busy roads – Interim Guideline'</li> <li>Air intake for proposals are to be sited well away from Anzac Pde or the pollution source (e.g on top of tall buildings) or provided with filtration to remove particulates;</li> <li>DAs for sensitive land uses such as childcare centres, schools or aged care facilities must submit an air quality</li> </ol>
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		study prepared by a suitably qualified expert demonstrating how air pollution exposure and health risks will be mitigated.
	<p>The NSW Infrastructure SEPP is not listed as a key SEPP in the DCP although it applies. The ISEPP requires consideration of 'Development near rail corridors and busy roads – Interim Guideline' which includes considerations to reduce air quality impacts. These measures do not appear to be discussed in the DCP.</p> <p>To enable assessment of DAs in terms of air quality, the DCP would benefit from including requirements for DAs to include an explanation of how the ISEPP Interim Guideline Air Quality Near Busy Roads considerations have been incorporated into their design. This could also form an element in delivering design excellence. A section in the DCP covering air quality – as has been included for noise – would also help guide applicants achieve improved outcomes with reduced assessment times.</p>	<ul style="list-style-type: none"> <li>Noted. It is recommended that the draft DCP be amended to include reference to the 'Development near rail corridors and busy roads – Interim Guideline' together with new provisions to address air pollution.</li> <li>It is recommended that the draft DCP be amended to require air intake to be sited well away from the pollution source (i.e. on top of tall buildings) or provided with filtration to remove particulates.</li> </ul>
	<p>When considering the level of air pollution demonstrated above, it appears even upper story setbacks will not provide an adequate level of health protection for residents.</p> <p>While setbacks are preferred, Council can also protect future residents from PM2.5 air pollution by requiring mechanical ventilation in affected buildings with the air intake sited well away from the pollution source (i.e. on top of tall buildings) or provided with filtration to remove particulates.</p>	<ul style="list-style-type: none"> <li>Noted. A new control is recommended for inclusion in the draft DCP requiring mechanical ventilation to be sited away from Anzac Parade.</li> </ul>
	The Interim Guideline provides guidance on building layouts that could be applied.	<ul style="list-style-type: none"> <li>Noted. It is recommended that the draft DCP be amended to include reference to ISEPP Interim Guideline Air Quality Near Busy Roads which includes indicative building layouts.</li> </ul>
	If sensitive uses such as childcare centres, schools or aged care facilities are proposed, air quality health risks should be more carefully considered by requiring an air quality study, with the development application demonstrating how air pollution exposure has been mitigated	<ul style="list-style-type: none"> <li>Noted. A new control is proposed for inclusion in the draft DCP to address air quality risks for sensitive land uses.</li> </ul>

	The creation of a green boulevard along Anzac Parade is supported.	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>
	<p>Noise:</p> <p>Reliance on the Australian Standard 2107:2016 for Noise will not guarantee that there is no community complaint from the use of adjacent developments.</p> <p>Adequate noise control in renewal corridors should not be entirely incumbent on the design of new residential buildings. The EPA considers that implementing noise control at a strategic planning level provides the most effective means of minimising noise impacts on communities.</p> <p>We note that without a noise management precinct approach, there is no way for existing and new developments to “share” the contribution to external noise levels. If there is no assessment or management of external noise levels from a central agency, then noise levels stated for the expanded corridor may be exceeded.</p> <p>Sustainable land use planning and careful design and location of development offers the greatest opportunity to manage noise. Noise generating activities and noise sensitive areas should be separated where practicable.</p>	<ul style="list-style-type: none"> <li>Noted. The proposed noise requirements aim to strike a balanced approach between maintaining residential amenity and recognising that the nature of economic activity and trading within town centres may result in some noise emissions. The draft DCP noise requirements have been prepared by an independent acoustic consultant based on best practice</li> </ul>
	We note that guidelines including the NSW Road Noise Policy (DECCW, 2011), the Rail Infrastructure Noise Guideline (EPA, 2013), and the Development near rail corridors and busy roads – Interim Guideline (Department of Planning, 2008) have been adequately included in Section 14 of the Draft DCP	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
	<p>Water Quality:</p> <p>The DCP would benefit from promoting and supporting the following key principles stemming from the Eastern City District Plan:</p>	<ul style="list-style-type: none"> <li>Noted. Council's current DCP Part D8 contains objectives and controls for managing stormwater quality as well as on site detention and infiltration. These controls apply to the Kensington and Kingsford town centres are referenced in section 23 (water management) of the draft DCP.</li> </ul>

	<ul style="list-style-type: none"> <li>- Development that maintains or restores waterway health to support the community's values and uses of waterways such as aquatic health and recreation; and</li> <li>- Encourages integrated water cycle management that includes sustainable water supply, wastewater and stormwater management and reuse and recycling initiatives where it is safe and practicable to do so and provides the best environmental outcome.</li> </ul>	
	<p>Waste and Resource Recovery:</p> <p>The approaches in the DCP are generally supported, however, to help strengthen circular economy outcomes, the following additional matters are provided for Council's consideration:</p> <ul style="list-style-type: none"> <li>- Sites for reverse vending machines of Return and Earn scheme</li> <li>- Linking up public place litter and recycling bins with the vacuum system</li> <li>- Encourage reuse/repair hubs</li> <li>- Bulky waste storage rooms provided for each residential unit</li> <li>- Opportunities for residents to source separate a range of common household problem wastes</li> <li>- Ensure new planning proposals satisfy the requirements of the "Better practice guide for resource recovery in residential developments"</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. A DCP cannot nominate locations within the town centres for Return and Earn scheme as this needs to be determined in consultation with EPA and will need to take into account a number of factors including proximity to residential premises, availability of parking for drop offs, all abilities access, power and on-going monitoring of the facility. Council agrees to continue to liaise with EPA in relation to this matter.</li> <li>• Connecting public recycling bins with a localised vacuum system is a reasonable proposal and Council could investigate opportunities to link into an existing system at a future date. There may be an opportunity to allocate EPA grant funding, potentially supplemented from Council's capital works revenue to establish the system.</li> <li>• A reuse/repair hub is supported and Council can investigate potential locations across the LGA which can accommodate such a facility. The Bower in Marrickville is a good example of such a facility.</li> <li>• Section 22 of the draft DCP has been amended to include a requirement to satisfy the 'Better Practice Guide for Resource Recovery in residential developments'.</li> </ul>
	<p>The EPA has developed information to improve waste management associated with new development. When developing the DCP, the Waste Not Development Control Plan (DCP) Guideline (EPA, 2008) should also be consulted to ensure whether the proposed waste provisions are adequate.</p>	<ul style="list-style-type: none"> <li>• Noted. Section B6 of the current DCP contains comprehensive controls on waste management for new development including during construction and ongoing operation. It is considered that this section adequately provides guidance for new development proposals on the heads of consideration and requirements pertaining to waste</li> </ul>

Transport for NSW		management at all stages of a project. There is scope to incorporate the Waste Not Development Control Plan (DCP) Guidelines into the DCP and apply it to the entire LGA. This would be considered as part of the comprehensive DCP review which is earmarked for latter 2021.
	The DCP does not appear to include any discussion or suggested provisions on contaminated land. Council should follow requirements in SEPP 55 Remediation of Land.	<ul style="list-style-type: none"> <li>Noted. DAs are currently assessed in accordance with SEPP 55 requirements and Council's Contaminated Land Policy.</li> </ul>
	<p>General Comments:</p> <p>TfNSW is supportive of the proposed setbacks to improve pedestrian accessibility, amenity and place-making outcomes. Additional setback may be necessary on the Todman Avenue frontage to ensure that the proposed cycle path can be provided as identified in the Kensington to Kingsford Planning Proposal TIA and contribution plan. We are also supportive of pedestrian through site links to improve pedestrian permeability and walkability.</p> <p>It is unclear what the proposed street plazas identified throughout the DCP entail. Any proposed road closures will require a Traffic Management Plan to be submitted to Council's Local Traffic Committee and TfNSW for review to assess the impacts of diverted trips on the network. Please note also any proposed works on State roads or traffic signals will require TfNSW approval under the Roads Act 1993.</p>	<ul style="list-style-type: none"> <li>Noted. The draft DCP requires a wider setback on the southern side of Todman Ave. Council is currently installing a pop up cycle way on Todman Ave and the design is being progressed with TfNSW. Final designs for the Todman cycleway will be determined at a later date. Furthermore, the northern side of Todman Ave contains a number of contributory buildings and hence footpath widening would not be possible on the northern frontage.</li> <li>The proposed plazas and road closures are subject to a detailed concept design phase and community consultation which is a separate process outside the scope of the draft DCP. Council's Local Traffic Committee and TfNSW will be engaged to provide input as part of this process. All road closures proposed will be subject to a Traffic Management Plan.</li> </ul>
	<p>Shared Zones:</p> <p>Section 8.1 of the Draft DCP states the following: "Laneways and shared zones are to be provided in accordance with the relevant block diagram (See Part B)"</p> <p>It is advised that should there be a proposal for a Shared Zone to be implemented on a public road, consultation and approval is required from TfNSW as TfNSW is responsible for the setting and signposting of safe and appropriate speed limits in accordance</p>	<ul style="list-style-type: none"> <li>Council will ensure laneways and share ways are designed in consultation with TfNSW and that approval for the final design is obtained from TfNSW.</li> </ul>

	with the NSW Speed Zoning Guidelines. TfNSW considers proposed Shared Zones on a case by case basis and requires certain criteria to be met for a 10km/h shared zone in accordance with TTD 2016/001 Design and Implementation of Shared Zones Including Provisions for Parking. We recommend consulting TfNSW early in the development of designs for any new proposed shared zones as certain design elements will need to be incorporated early.	
	<p>Laneways and vehicular access points on State Roads:</p> <p>TfNSW advises that Anzac Parade is a State road with a significant movement function where light rail and buses are given priority. New vehicular access points for private developments should be located on local roads wherever possible and new vehicular access points to Anzac Parade will not be supported where access can be obtained via the local road network.</p>	<ul style="list-style-type: none"> <li>Noted. The draft DCP block controls are based on amalgamation of sites to ensure that vehicular access is provided from side streets, as opposed to Anzac Parade.</li> </ul>
	<p>Proposed new laneways with connections to Anzac Parade will need to be assessed on a case by case basis and require Roads Act approvals from TfNSW. Preliminary comments are provided below in relation to specific sites:</p> <ul style="list-style-type: none"> <li>Block 1 – Vehicular access on Wallace Street should be as far as practical away from Anzac Parade. Proposed laneway connecting to both Anzac Parade and Wallace Street is unlikely to be supported noting that the laneway would intersect with Anzac Parade at its signalised intersection with Sturt Street. This would introduce a new leg at the signals with efficiency, safety and design implications for the existing intersection;</li> <li>Block 3 - Vehicular access on Borrodale Road will need to be located as far as practical away from the intersection with Anzac Parade;</li> <li>Block 16 – The laneway indicatively proposed between Southern Cross Close and Gardeners Road is in close proximity to the complex intersection of Gardeners Road/Bunnerong Road/Anzac Parade and near the signalised intersection of General Bridges</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The blocks in question have been reviewed by independent urban design consultants and alternative vehicular access points/ laneways have been determined. See <b>attachment C</b> for further information.</li> </ul>



	<p>Crescent/Gardeners Road. Concern raised with regard to location for this laneway given the introduction of an additional conflict point where there are already a number of critical driver decision points at this location. Drivers exiting a laneway onto Gardeners Road at this location may be encouraged to undertake unsafe weaves across several lanes of traffic to enter the right lanes to turn onto Bunnerong Road to travel south;</p> <ul style="list-style-type: none"> <li>• Block 20 –The vehicular access would need to be designed and constructed to TfNSW requirements (including width, gradient, turning path requirements etc). Design requirements will need to be determined at the DA stage based with consideration to the trips generated, largest design vehicle and number of car parking spaces within the car park;</li> <li>• Block 25 – Vehicular access to Anzac Parade is unlikely to be supported where access is practicable via the local road network (noting access would be created via a rear laneway to Boronia Street);</li> <li>• Block 28B and 28C – Vehicular access on Boral Street should be located as far as practical away from the intersection with Anzac Parade; and</li> <li>• Block 31 – Council may wish to include a restriction on vehicular access to be limited to left-in/left-out only on Doncaster Avenue to limit potential vehicular conflicts noting the very close proximity to traffic signals.</li> </ul>	
	<p>Car Parking Rates:</p> <ul style="list-style-type: none"> <li>• The objectives of the Draft DCP includes the following in relation to Transport, Traffic, Parking &amp; Access: <ul style="list-style-type: none"> <li>o To promote sustainable transport options for new and existing development;</li> <li>o To improve walking, cycling, active transport options and public transport use; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Support noted.</li> </ul>

	<p>o To encourage less car parking or alternative solutions to car parking within developments given of the centres to high frequency public transport.</p> <p>These objectives are supported.</p>	
	<p>• The Draft DCP proposes the following (Table for Carparking Rates - Page 116, Section 21):</p> <p>o 0.6 car spaces/dwelling for 1 bedroom apartment;</p> <p>o 0.8 car spaces/dwelling for 2 bedroom apartment;</p> <p>o 1.1 car spaces/dwelling for 3 bedroom apartment; and o The car parking rates as 'minimum' rates.</p> <p>It should be noted that TfNSW had agreed to mode share assumptions and trip generation assumptions underpinning the transport assessment on the basis that the maximum parking rates would be included in the DCP. It is unclear why the draft DCP has not included the 'maximum' car parking rates recommended by the Strategy and Response to TfNSW report.</p> <p>It is advised that in order to help achieve the objectives of the Draft DCP in relation to promoting sustainable transport, the carparking rates would be better stated as maximums. In addition, if the average parking rate of 0.7 car spaces/dwelling were to be achieved, the parking rates would need to be reduced.</p>	<ul style="list-style-type: none"> <li>• The parking rates are applied as minimums to ensure a balanced approach between accommodating the needs of private vehicle users and encouraging a mode shift to sustainable transport options. The use of minimums as opposed to maximums is intended to provide a level of certainty that a base level of parking would be provided on each site.</li> </ul>
	<p>Loading and Servicing:</p> <p>The following comments are provided in relation to the Service and Delivery parking rates that are proposed in the Draft DCP (Table for Service and Delivery - Page 116, Section 21):</p> <ul style="list-style-type: none"> <li>• The Kensington to Kingsford precinct would have development with hundreds of apartments. The provision of 1 loading dock space would be inadequate in such circumstances. By comparison, Randwick City Council DCP 2013 (Randwick DCP</li> </ul>	<ul style="list-style-type: none"> <li>• Supported. It is recommended that parking rates for delivery and servicing facilities for residential development and supermarkets be revised as follows: <ul style="list-style-type: none"> <li>- Parking rates for servicing/delivery be applied as minimums to provide greater certainty for development</li> <li>- 1 loading space for residential/ mixed use and shop top housing developments containing between 30 to 100 residential units and 1 space per 100 units thereafter.</li> </ul> </li> </ul>



	<p>2013) adopts 1 space per 50 units up to 200, plus 1 space per 100 units thereafter plus 1 space per 1,000 m<sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant;</p> <ul style="list-style-type: none"> <li>• There is a significant variation in relation to parking rates for supermarkets between Randwick DCP 2013 and the Draft DCP. The subject Draft DCP indicates that Supermarkets require 1 space per 4,000m<sup>2</sup>, whereas the Randwick DCP 2013 adopts 1 space per 400m<sup>2</sup> GFA up to 2,000m<sup>2</sup> GFA plus one space per 1,000m<sup>2</sup> thereafter; and</li> <li>• Loading and servicing facilities should be able to accommodate the largest vehicle required to service any particular site.</li> </ul> <p>It is advised that:</p> <ul style="list-style-type: none"> <li>• Parking rates included in the Table for Service and Delivery should be stated as 'minimum';</li> <li>• The service and delivery parking rates should be reviewed in consultation with TfNSW, as suggested below: <ul style="list-style-type: none"> <li>o Residential developments to adopt a gradual scale from small to larger developments; and</li> <li>o Supermarkets.</li> </ul> </li> <li>• Encourage all new developments to provide adequate freight and servicing facilities wholly within the development, including loading dock spaces.</li> </ul>	<ul style="list-style-type: none"> <li>- Supermarket rates for loading/unloading are unchanged as this can be determined at the DA stage based on the business operations of the supermarket business.</li> </ul>
	<p>Awnings and Landscaping:</p> <p>While TfNSW supports increasing tree canopy, the species of vegetation and planting locations requires careful consideration to ensure it does not reduce safety. Any street trees proposed within the kerbside clear zone of State roads should be frangible for safety reasons.</p> <p>Street trees and awnings should be carefully located to ensure they do not obstruct driver sight lines to traffic signal lanterns, intersections, pedestrians on crossing facilities and other critical road infrastructure and should be setback to allow for bus/heavy vehicle overhang (i.e. mirrors). Species with invasive roots should</p>	<ul style="list-style-type: none"> <li>• A key action of the K2K Planning Strategy is to review the Randwick Street Tree Masterplan to ensure appropriate species to cater for light rail infrastructure. A street tree planting program has already been undertaken along Anzac Parade as part of the light rail roll out and upgrade of the public realm. This has involved careful species selection and positioning of street trees to avoid obstruction to sight lines, and conflicts with vehicle overhang and pedestrian movements, while also allowing for pruning for safety reasons.</li> <li>• The draft DCP contains a number of controls for awnings in the centres (Part C section 18) including requirements on</li> </ul>

	also be avoided to avoid impacts to utilities and lifting footpath pavement which can lead to trips and obstructions to people who use a wheelchair or people with prams.	providing continuous pedestrian shelter and setbacks. It is recommended that the draft DCP be amended to ensure that new awnings do not contribute to adverse impacts upon road and pedestrian safety.
	<p>Advertising and Signage Controls:</p> <p>Council may wish to consider adding that proposed advertising signage adjacent to a classified road must not have/use:</p> <ul style="list-style-type: none"> <li>• Flashing lights;</li> <li>• Animated display, moving parts or simulated movement;</li> <li>• Complex displays that hold a driver's attention beyond "glance appreciation";</li> <li>• Displays resembling traffic signs or signals, or displays that may be interpreted to give instruction to drivers, either through shape, colour or words; and</li> <li>• A method and level of illumination that distracts or dazzles.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported. It is recommended that the draft DCP be amended to include suggested requirements for advertising and signage.</li> </ul>
	<p>Building Features adjacent to the Sydney Light Rail Corridor:</p> <p>Council may also wish to consider adding that the proposed developments adjacent to the Sydney Light Rail corridor must consider the Department's Guidelines for Development near Busy Roads and Rail Corridors. In particular development should not have/use:</p> <ul style="list-style-type: none"> <li>• Lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity; and</li> <li>• Windows and other external features (eg roof terraces and external fire escapes) facing the light rail corridor that are located within 20 metres of the light rail corridor without measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) are installed to prevent objects being dropped or thrown onto the rail corridor from windows and balconies.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported. It is recommended that the draft DCP be amended to include reference to the Department's Guidelines for Development near Busy Roads and Rail Corridors including controls on limiting impacts of glare and reflectivity and minimising opportunities for objects to be dropped from windows/balconies onto the light rail network.</li> </ul>

School Infrastructure NSW, Department of Education	As detailed in the SINSW submission on the K2K Planning Proposal dated 14th October 2019, the rezoning delivers an uplift in dwellings in the two centres. Council should note that Kensington PS remains at capacity and cannot accommodate increased student enrolments. SINSW is committed to working with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes.	<ul style="list-style-type: none"> <li>Noted. Council will continue to liaise with SINSW to support school needs and respond to student demand.</li> </ul>
	<p><b>Building Heights:</b></p> <p>Within the Kensington town centre, for the lots directly abutting Kensington PS (Opportunity Site 28C and Block 29), the RLEP height map illustrates a height control of 16-19m (equivalent to 4-5 storeys), with a 1m height control for the laneway adjoining the school.</p> <p>This is partially inconsistent with the heights displayed on the Block Control diagrams in Part B of the Draft DCP. The Block Diagram for site 28C notes a 2-3 storey height for the block's eastern frontage on Bowral Street, adjacent to the proposed share way/laneway between Kensington PS and the site. This height is not found in the amended LEP maps or Council's interactive mapping tool.</p> <p>SINSW requests that Council clarify this 'built form transition approach' in the Draft DCP to prevent a discord between the LEP and DCP. Consistent with Clause 3.42 of the Environmental Planning and Assessment Act (EP&amp;A Act) 1979, there should be consistency between the approved LEP, the development standards and the DCP controls, particularly given the potential for flexibility in the application of DCP controls under Clause 4.15 (3A) and also variations to development standards under Clause 4.55 of the EP&amp;A Act. SINSW recommends that these lower building heights be specified as a development standard in a LEP and the DCP support the above built form objectives.</p>	<ul style="list-style-type: none"> <li>Noted. To clarify, the block 28C diagrams clearly show a 4 storey built form for the Todman Avenue frontage and 5 storeys for the Bowral Street frontage. These provide a transitional scale down towards the school site to mitigate amenity impacts and are consistent with the RLEP 2012 and built form strategy for the town centre. To avoid confusion, the block plans in the final DCP will be updated with colour hues that clearly distinguish different transitional heights. Colour line amendments will be incorporated as part of the final DCP.</li> </ul>

	Further, it is requested that council clarify the application of the 1m height limit adjacent to the shareway.	
	<p>Laneways:</p> <p>As noted, the eastern perimeter of Site 28C (Part 10.3 of the draft DCP) directly adjoins Kensington PS. The relevant Block Diagram for this site proposes a shareway/laneway between the two sites, to create a connection between Todman Avenue in the south and Bowral Street in the north. This shareway has a width of 9m at the Bowral Street entry and a 6m width at the Todman Avenue entry. This difference in size stems from Part 8.1 of the draft DCP, which permits a reduction in laneway size to account for smaller developments.</p> <p>SINSW supports the provision of this shareway that not only encourages sustainable travel around the school, but also provides an appropriate separation of high density development with the school. It is requested that this laneway be developed in consultation with SINSW and that this consultation requirement is included in the DCP. This will ensure appropriate safety measures are included in the design, access is maintained to the school site and that any construction impacts on the school are mitigated.</p> <p>SINSW also requests that Council consider adopting a consistent shareway width of 9m for the length of the school frontage. This will enhance the legibility of the shareway as well as increasing passive surveillance to the north from the Todman Avenue entry.</p>	<ul style="list-style-type: none"> <li>Supported. Council will consult with the SINSW regarding the laneway proposal at the DA stage to help address any safety and construction issues and enhance access to the school.</li> <li>A consistent 9m approach for the length of the school frontage is not supported. The indicated shareway of 6m is considered to be an appropriate width to facilitate access, while ensuring a reasonable level of development potential is achievable on the adjoining site.</li> </ul>
	<p>Solar access:</p> <p>SINSW is supportive of Council's response to SINSW's previous recommendation relating to amenity impacts at Kensington PS and notes the inclusion of Part D, Section 27 (A) and (B) of the</p>	<ul style="list-style-type: none"> <li>Support noted.</li> </ul>

	<p>Draft DCP which relate to overshadowing and solar access at the school site.</p> <p>Section 27 (A) requires that future development ensures that Kensington PS is not overshadowed by more than 10% between the hours of 12pm-2pm in mid-winter, whilst Section 27 (B) states that solar access is to be maintained for a minimum of 3 hours (in mid-winter) to the existing play spaces of the school. With the adoption of the shareway/laneway and the above requirement, SINSW supports this approach.</p>	
	<p>Heritage:</p> <p>SINSW acknowledges that Section 9.1 (A) of the draft DCP requires a Heritage Impact Statement (HIA) to be prepared for all development in the vicinity of existing heritage items in the Randwick LGA.</p> <p>Kensington PS, together with Daceyville and Rainbow Street are (in their entirety) heritage listed items under the RLEP 2012. As a result of its position adjacent to Block 28C and the Todman Precinct, SINSW requests that impacts to Kensington PS be specifically assessed as part of the future development of these sites, to ensure that development positively responds to the heritage character of this site.</p> <p>Kensington PS (local heritage item I126 under Schedule 5 of the RLEP 2012) is not highlighted in Figure 4A of the Draft DCP, which relates to heritage buildings in the Kensington Town Centre. SINSW requests that Figures 4A be amended to illustrate heritage items that adjoin the DCP boundary (including Kensington PS), to ensure applicants are aware of the heritage items and conservation areas that are in vicinity of the town centre boundaries.</p>	<ul style="list-style-type: none"> <li>Supported. It is recommended that the draft DCP heritage maps be amended to identify heritage items in the vicinity of the town centres.</li> </ul>
	<p>Precinct Activation and Shared Use Opportunities:</p>	<ul style="list-style-type: none"> <li>The consideration of social, safety and amenity impacts stemming from night-time economy proposals will be assessed on a case by case basis as part of the</li> </ul>



	<p>Due to their nature as a sensitive use, SINSW requests that the location of existing schools be considered in the development of any night-time uses proposed within each town centre. This will ensure that relevant safety and crime prevention measures are being included in the assessment of future development applications that are in proximity to existing school sites.</p> <p>SINSW notes the cultural and public spaces proposed for both town centres under the K2K Strategy and draft DCP. SINSW is willing to explore joint and shared use opportunities where there is a mutual benefit for the school and community, however this is subject to timing and funding and a future Memorandum of Understanding between the parties, where appropriate.</p>	<p>development application process. The SINSW will have the opportunity to provide feedback on relevant proposals under the DA process.</p> <ul style="list-style-type: none"> <li>Joint/shared use opportunities to maximise community access to school owned cultural and public spaces are outside the scope of the DCP and are subject to a separate MOU process. It is noted that Council's future Open Space and Recreational Needs Strategy will look at opportunities for appropriate joint use arrangements to increase public access to school recreational facilities. Further consultation will be undertaken with the SINSW in relation to Kensington Public School as part of this process.</li> </ul>
	<p>Public Domain and Sustainable Travel:</p> <p>SINSW requests that Council collaborate with SINSW to identify public domain initiatives that could be implemented to support greater public transport, walking and cycling opportunities to and from schools likely to be impacted by the DCP (particularly Kensington PS). Initiatives around the schools could include:</p> <ul style="list-style-type: none"> <li>Provision of new and upgraded footpaths.</li> <li>Provision of additional pedestrian crossings.</li> <li>Provision of new and upgraded cycling lanes.</li> <li>Implementation of lower vehicle speeds.</li> <li>Implementation of local area traffic calming.</li> <li>Provision of improved school bus stop access and higher school bus priority on roads to decrease school bus journey times.</li> </ul> <p>These initiatives could be supported and implemented through the collection of appropriate developer contributions from applicants.</p>	<ul style="list-style-type: none"> <li>Noted. The K2K Strategy and Part D Section 32 (Public Domain) of the draft DCP outline a number of improvements to the public realm of both Kensington and Kingsford including footpath widening which will increase carrying capacity across both town centres, including around the Kensington public school locality.</li> <li>Pedestrian crossings, cycling lanes, vehicle speed limits, bus stop access and implementation of traffic calming measures are all matters outside the scope of the draft DCP. These issues have been referred to Council's Integrated Transport Department for consideration in conjunction with advice from the Randwick City Traffic Committee and other relevant State Agency inputs.</li> </ul>

	<p>Infrastructure Contributions:</p> <p>SINSW recommends that the future local contributions plan considers the following:</p> <ul style="list-style-type: none"> <li>• A requirement for relevant applicants to pay appropriate developer contributions to support the provision of public transport, walking and cycling infrastructure required to support public schools in the immediate vicinity of the precincts. This will ensure future growth generated by the draft DCP can be supported and sustainable travel can occur to and from local schools.</li> <li>• A proportion of contributions from new residential development in each town centre to be dedicated to support public school upgrades that will be required as a result of new residential development.</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure for the centres has already planned for under the K2K Strategy and specifically identified in the schedules of the s7.12 Plan and the Community Infrastructure Plan. These include a variety of public domain improvements, water sensitive urban design, multi-purpose community facilities and cycling, walking and transport infrastructure. All DAs will be required to pay the applicable development contributions to ensure that the necessary infrastructure can be delivered to meet the vision for the centres and address community needs. Outside of the centres based infrastructure delivery framework, Council has also embarked on a number of infrastructure upgrades which would benefit sites within and close to the centres including the Todman Avenue pop up cycle way and the Doncaster Avenue permanent cycleway.</li> <li>• Infrastructure upgrades on public school sites are a State Government responsibility and currently there is no State Infrastructure Contribution operating for the Kensington and Kingsford town centres.</li> </ul>
	<p>If future amendments to the DCP occur, SINSW requests that Council notifies SINSW of any changes that will consequentially affect the future operation of local schools (e.g. changes to proposed zoning or built form controls).</p>	<ul style="list-style-type: none"> <li>• Noted. The SINSW will be notified of any future amendments to the DCP as well as DAs that may impact upon the Kensington Public School in accordance with consultation requirements under the EP&amp;A Act and Regulations and Council's Community Participation Plan.</li> </ul>
Department of Premier and Cabinet, Heritage NSW	<p>Although an amended version of the planning proposal has not been provided, it appears that most of the advice provided on 17 October 2019 has been taken into consideration in the preparation of the DCP:</p> <ul style="list-style-type: none"> <li>• the DCP provides an acceptable level of historical detail on the early development of both the Kensington and Kingsford Town Centres</li> <li>• mapping included with the DCP now clearly identifies Local heritage items and items which are considered to contribute to the streetscape of both Town Centres</li> </ul>	<ul style="list-style-type: none"> <li>• Support noted.</li> </ul>



	<ul style="list-style-type: none"> <li>the DCP includes a strong focus on heritage conservation and protection, including requirement that development involving heritage items adheres to the principles of the Burra Charter and include submission of a Heritage Impact Statement or Assessment, and</li> <li>the heritage conservation objectives and controls identified in the DCP appear to have been informed by the Kingsford Town Centre Heritage Review, and are appropriate, including controls for alterations and additions, materials, finishes, colours, setbacks and signage.</li> </ul>	
	It appears that Council has not yet undertaken a heritage review of Kensington Town Centre, this is still recommended.	<ul style="list-style-type: none"> <li>Not supported. A heritage review was undertaken of Kensington town centre in 2002 where items of heritage significance and contributory buildings were identified and are reflected in the draft DCP heritage/ contributory mapping and associated provisions. The findings from the 2002 Kensington Heritage Review have been peer reviewed by Council's heritage officer. It has been determined that the review findings remain current and applicable to the existing context.</li> </ul>
	We note that the DCP identifies Dacey Gardens as being on the State Heritage Register (SHR), this is not correct. 'Daceyville Garden Suburb Urban Conservation Area' has been nominated for listing on the SHR and is currently under consideration. 'Daceyville Garden Suburb Heritage Conservation Area' (C1) is listed locally however, under Botany Bay Local Environmental Plan 2013. Council should update the DCP to reflect this.	<ul style="list-style-type: none"> <li>Supported. The draft DCP is proposed to be amended to clarify the local heritage listing of Daceyville Garden Suburb Heritage Conservation Area.</li> </ul>
	Where necessary, the planning proposal should be amended to align with the heritage objectives and controls identified in the DCP. Prior to finalisation, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.	<ul style="list-style-type: none"> <li>To clarify, amendments to the RLEP 2012 pertaining to the Kensington and Kingsford town centres were gazetted on 14 August 2020. The issues raised in the submission are outside the scope of the draft DCP.</li> </ul>
Sydney Water	Given the scale of the proposed residential and commercial uplift outlined within the draft DCP, Sydney Water have initiated a	<ul style="list-style-type: none"> <li>Noted</li> </ul>

	planning project for the corridor which will determine detailed servicing requirements and system upgrades. Once this planning project is complete, Sydney Water will be able to contact Council to discuss the necessary servicing requirements to deliver the growth proposed in the draft DCP.	
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ISSUE	RESPONSE
<p>The large size and height of the proposed buildings will create a net loss of public amenity and character on the area.</p>	<p>The height and floor space ratio limits for buildings within the Kensington and Kingsford town centres came into effect as development standards in the <i>Randwick Local Environmental Plan 2012</i> (RLEP 20120) on 14 August 2020. These development standards were developed as part of a detailed comprehensive urban design and built form study in 2017, which involved substantial 3D modelling and built form testing to address environmental planning considerations such as solar access, visual bulk, and privacy impacts on surrounding properties, as well as the character of the locality.</p> <p>The draft DCP block controls (Part B) supplement the RLEP 2012 height and density provisions by providing appropriate transitional heights, setbacks and building separation provisions to help ensure potential adverse amenity impacts on surrounding properties such as solar access and visual and acoustic privacy are capable of being minimised.</p> <p>The draft DCP block controls provide a prevailing mid-rise building typology along Anzac Parade to establish a human scale for the precinct, with higher landmark buildings at strategic corners to foster a distinctive urban form, and facilitate growth and a hub of activity around light rail infrastructure. The proposed controls are considered appropriate, reflect the vision for the centres established under the K2K Planning Strategy and provide a good urban design outcome that facilitates revitalisation of the town centres while suitably addressing character and amenity considerations for surrounding properties.</p> <p>Block diagrams have incorporated minor adjustments to allow design flexibility for the interior configuration of buildings as well as the transitional areas at the rear and adjacent areas. The modifications have been dealt with under the framework of the NSW Apartment Design Guide and RLEP 2012 height and FSR requirements.</p>
<p>Adding a substantial number of residents to the area will increase the traffic congestion and will reduce the available parking. Additionally, the increased traffic will impinge on the safety of children commuting to Kensington Public School – a commute made mostly by foot.</p>	<p>The traffic assessment report undertaken for Council as part of the K2K Strategy determined that the anticipated level of traffic and demand for parking from both residential and commercial development are capable of being accommodated in the precinct.</p> <p>Council obtained further advice (November 2019) from traffic consultants Arup which incorporates new Census data and confirms that assessment and</p>

	<p>modelling carried out in 2017 for Council remains valid. This work has also shown that there has been a significant drop in car use for both employees and residents in the area. It is expected that new residents and employees in the corridor will also have low car ownership, in view of the improved public transport accessibility in the corridor.</p> <p>The draft DCP includes revised parking rates for the Kensington and Kingsford town centres which take into account access to public transport and employment nodes, and reduced car ownership trends.</p> <p>Furthermore the K2K Planning Strategy outlines improved cycle links including east west connections on Todman Avenue and surrounding the town centre. These transport mode initiatives will have a positive impact on traffic congestion, safety and on street parking in the locality.</p>
<p>Allowing high rise developments next to Kensington Public School poses concerns, including overshadowing of the playgrounds, potential for overlooking, urban heat island, light pollution, noise, and wind tunnelling. These risks can greatly affect the privacy, safety, and amenity of the students. Additionally, there will be increased demand for enrolments and the school is already at capacity.</p>	<p>Heights and densities adjoining Kensington Public School have been modelled to reduce adverse impacts on the playground spaces in terms of overshadowing and overlooking. Building heights and densities adjoining the School are 16m and 19m. Future buildings cannot be built to the boundary and will be required to be setback 9m (northern side) and 6m (southern side) from the boundary with the School. This will provide for substantial landscaping opportunities to supplement existing tree canopy. In relation to overlooking, future buildings can be designed with appropriate privacy screening and window orientation which will be subject to detailed assessment at the DA stage. Other amenity and design considerations affecting the School interface will also be assessed at the DA stage. The submission by School Infrastructure states that the School remains at capacity and cannot accommodate increased student enrolments. School Infrastructure will continue to work with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes.</p>
<p>Residents are concerned that the scale of the proposed buildings require the dewatering of the Botany Aquifer during construction, which in turn can cause structural damage to neighbouring properties. A related concern is that the soil is too sandy to safely support high rises.</p>	<p>The draft DCP strengthens requirements for basements to be designed by a qualified structural or hydraulic engineer and for such designs to be reviewed by a second qualified hydrological engineer.</p>
<p>The proposed controls encourage the development of student accommodation, which cannot be easily repurposed since it doesn't offer adequate living space &amp; parking for families or other permanent residents. The number of international</p>	<p>Growth projections for the Kensington and Kingsford town centres indicate that the demand for student housing will be sustained given the presence of UNSW</p>

<p>students will decrease over time and Kensington will be left with these empty towers. Allowing this kind of development will not help solving housing availability or affordability. An additional concern is that student accommodation tends to be self-contained and doesn't contribute to the community life, resulting in a transient population with little buy-in into the community.</p>	<p>within proximity and is expected to remain strong in the near and long term future.</p> <p>In recognition of the demand for student housing, the draft DCP contains new provisions to guide the design of student accommodation development which has a focus on providing a high level of amenity for occupants including adequate living/socialising space to help create a sense of community. All student housing developments would be subject to the Apartment Design Guide which provides best practice guidelines on the planning and design of apartment buildings to ensure adequate amenity for occupants and surrounding developments is provided.</p> <p>Modelling on parking demand has identified that demand for parking within student accommodation developments are likely to be very low given lower car ownership trends for the younger demographic, walkable proximity to the University of NSW, and excellent access to major employment centres including the Randwick Collaboration Area and Sydney CBD. The draft DCP parking provisions accordingly reflect the trends for lower parking demand for student housing developments.</p> <p>In terms of housing affordability, the RLEP 2012 provisions underpinned by the Affordable Housing Scheme for Kensington and Kingsford, requires a substantial contribution towards affordable housing provision in the town centres including within student housing developments. The affordable housing contribution will create more affordable housing options within the centres and facilitate greater housing diversity to cater for key workers, students and other low-low medium income households.</p>
<p>The allowed heights at Todman square will set a precedent for developers who will try to rezone other areas along Anzac Parade.</p>	<p>The maximum building heights and densities for buildings in Kensington and Kingsford town centres are set by the RLEP 2012 development standards. These have been informed by a comprehensive urban design and built form study which has identified a mid-range height of 9 storeys for most sites along the Anzac Parade corridor with higher building forms at key nodes strategically located adjacent to the light rail infrastructure. The draft DCP provides transitional heights across each block to address solar access, visual bulk and scale and privacy impacts for surrounding properties. The draft DCP requires a 4 storey street wall to provide a human scale pedestrian environment, improve solar access, and to reduce the bulk and scale of developments.</p>



	<p>In terms of setting a precedent for spot rezonings, it is unlikely that any spot rezonings for the town centres would be supported given the currency of the heights and FSRs. Council's policy approach is not to support spot rezonings of individual sites and rather, to undertake a holistic strategic review of an entire precinct or block where a wide range of planning considerations can be assessed. Moreover, amending the heights and FSRs as part of a sport rezoning process would be at odds with the strategic merit test under the Department's guidelines which requires amongst other matters, that the consideration of rezoning proposals to be only undertaken in those circumstances where the planning controls are over 5 years old.</p>
<p>The new developments will create an effective reduction of green space and canopy in the area. The impact on the local natural environment will be negative. Therefore, the proposal must require new developments to use sustainable methods and materials, the greening of balconies and facades, and allow for sustainability initiatives.</p>	<p>The Draft DCP contains a number of objectives and provisions to increase the amount of green space and improve sustainability within the Kensington and Kingsford town centres. These are addressed through:</p> <ul style="list-style-type: none"> <li>• Increased setback requirements to allow for street tree planting and landscaping</li> <li>• A new requirement for each development to provide an amount of landscaping equivalent to 100% of site area</li> <li>• The creation of several new landscaped plazas across both town centres as part of the development process</li> <li>• Requirements that all new buildings at strategic node sites provide a high level of sustainability measures above what is currently required (i.e. achieve a minimum GBCA certification exceeding 5 star Green star design as built)</li> </ul>
<p>The areas surrounding the new developments will be affected by overshadowing, potential for overlooking, urban heat island, light pollution, noise, and wind tunnelling.</p>	<p>The block by block controls (Part B) provide transitional heights, setbacks and wall heights to address privacy, visual bulk and scale and solar access matters for adjoining properties and surrounding lower scaled neighbourhoods.</p> <p>Part C (section 20) includes stringent controls on landscaping requiring an equivalent of 100% of landscaping in the form of gardens, roof top gardens, vertical walls be provided on each site. This together with street tree and public domain landscaping proposed will help mitigate against the urban heat island effect in the Kensington and Kingsford town centres.</p>

	Part D section 28 of the draft DCP includes controls to ensure that new development satisfies nominated wind standards to ensure satisfactory amenity for pedestrians and surrounding properties and to encourage the growth of street trees in the public domain. As part of this, all DAs for proposals over 9 storeys would be required to submit a wind impact assessment and provide design solutions that address the impact of wind on the public and private domain.
Waste collection systems are already at capacity, and increased density will overwhelm them, resulting in poor amenity and increased health risks.	Part C (section 22) of the draft DCP requires that new development within the Kensington and Kingsford town centres incorporate an automated waste collection system in accordance with Council's guidelines. The provision of automated waste collection systems would help resolve any waste collection capacity issues and provide for substantial environmental and amenity benefits including removing the proliferation of bins in the public domain, reducing CO2 emissions as a result of lower rates of waste vehicle traffic and providing a more pleasant and safer environment for people living in the area.
The South-East Light Rail will be unable to cope with the increased population. Due to Covid-19 restrictions the system hasn't been tested with current full demand, but there are previous reports stating that the system will be operating at capacity right from the start.	Transport for NSW has advised that capacity considerations are not just limited to light rail but includes the entire public transport network including the bus network. Transport for NSW regularly assesses, and reviews transport network capacity and demand based on usage patterns. Transport for NSW has confirmed that the light rail has adequate capacity to accommodate future demand associated with the anticipated dwelling and employment growth.
Bicycle lanes are welcome, but the community needs to see a clear proposal.	This is addressed in the cover report to Council
Transforming Todman Avenue into an arts and cultural area will attract crowds, and the necessary parking and transport options have not been adequately addressed.	The proposed arts and cultural precinct at Todman Square is in a highly accessible location being adjacent to the Todman Ave Light Rail Stop and well serviced with links to the Sydney CBD and the Randwick Collaboration area. The traffic and parking study by Arup undertaken in 2016 and further in 2019 confirms that the anticipated level of traffic and demand for parking would be able to be accommodated in both town centres, including strategic node sites such as Todman Square.
It doesn't make sense to build a Light Rail to reduce current congestion, only to then substantially increase population density and reduce the gains achieved	The K2K Planning Strategy and subsequent amendments to the RLEP 2012 and the subject draft DCP were prepared to address State Government population growth targets and changing housing needs within the Kensington and Kingsford town centres and foster urban renewal to improve quality of



	development and the public realm. The Planning Strategy for the centres is based on transport oriented development to capitalise on the high level of accessibility to the light rail and bus network and major employment nodes. Transport for NSW has advised that the projected dwelling and employment floor space within the town centres can be adequately accommodated by the light rail and bus network.
The increase in density and the development of high-rise living will alter the character of the area and consequently there will be a loss of the sense of community.	The K2K Strategy and draft DCP includes a number of actions and provisions to encourage community interaction, enhancement of local character and socialisation in the Kensington and Kingsford town centres. This includes public domain upgrades to improve the usability and amenity of public areas and new plazas which will provide greater opportunities for people to meet and interact. The draft DCP also includes measures to improve the night-time economy (to support a diverse range of night time activities and events that are inclusive, safe, and encourage widespread community participation (Part C section 25).
Concentrating the additional population growth in the Kensington and Kingsford town centres is not appropriate, and this growth should be distributed more evenly across the LGA instead.	<p>The planning review of the Kensington and Kingsford town centres was undertaken to address expected population and demographic changes, improve the quality and design of buildings and broader public realm and to accommodate the light rail infrastructure along Anzac Parade. It was undertaken in response to significant growth pressures reflected by a number of site specific planning proposals received seeking substantial uplift in both centres, significantly exceeding what has been planned for by Council.</p> <p>The new planning framework for the town centres provides a balanced approach to growth by allowing for only a moderate increase in uplift (from 7 to 9 storeys along Anzac Parade) as well as slender towers in strategic locations commensurate with infrastructure delivery. Growth in Randwick City is not limited to the town centres. Council's Housing Strategy and Local Strategic Planning Statement have identified housing investigation areas in other locations to provide additional housing to meet State Government growth targets and population forecasts. This would ensure a spread of growth across the LGA in appropriate locations serviced by public transport, services and other amenities so that the town centres alone are not overloaded by additional dwellings.</p>

<p>The proposed developments don't have consideration for the existing local character and allowing their development will result in its destruction.</p>	<p>The draft DCP contains a variety of provisions to ensure high quality buildings of architectural interest and good amenity that will contribute positively to the character of the town centres. These include:</p> <ul style="list-style-type: none"> <li>• Requirements for architectural design competitions for strategic node sites (Part A, Section 4)</li> <li>• Improved legibility and accessibility through mid-block links (Part A, Section 7)</li> <li>• Detailed block controls integrating street walls, setbacks, building separation (Part B)</li> <li>• Articulation and modulation requirements to avoid visual bulk</li> <li>• High quality building materials and finishes (Part C, Section 17)</li> </ul>
<p>Public and open space proposed are insufficient, especially with an increased population. Additionally, the DAs already lodged focus on creating amenity for the students and other transient residents, but not for local residents.</p>	<p>The K2K Planning Strategy contains a number of actions that will substantially increase the amount of green space and landscaping within the town centres to achieve the future vision of centres being green and sustainable. These include new landscaped area provisions in the draft DCP requiring that new developments provide an amount of landscaping equivalent to 100% of total site area, together with multiple new landscaped public plazas, street trees and green links within both town centres to be funded through development infrastructure contributions.</p>
<p>The local community will have to suffer noise, visual impacts and dust during the construction stage.</p>	<p>Construction impacts such noise, vibration etc can be addressed by conditions of development consent.</p>
<p>Demand for units – and especially for student accommodation is falling – and this will leave the area full of empty, stranded towers.</p>	<p>A key driver for the planning review of both centres is future population growth and changing demographics which will require additional dwellings and employment floor space within the centres and across the LGA. While there may be circumstances in the short term (such as the current Pandemic) that may result in a decline in demand, it is anticipated that in the long term demand would return given the locational attributes of the town centres being close to key employment nodes, services and a high level of amenity.</p>
<p>Currently, it is difficult to attract tenants for the available shop floor area. With more offer planned, owners and developers will find it more difficult to rent these properties.</p>	<p>Council's research informing the K2K Planning Strategy has identified that redevelopment of the town centres under the previous controls would have resulted in a net loss of commercial floor space. To address this a 1:1 non residential FSR has been introduced for the strategic node sites and adopted in the RLEP 2012. FSR is an LEP provision and outside the scope of the DCP.</p>

	The ground floor of all development is expected to deliver commercial and retail floor space to ensure that the key productivity and job creative objectives of the Planning Strategy are realised.
In order to attract people to the area, there is need to secure anchor businesses like supermarkets, post office, galleries, etc.	The draft DCP in conjunction with the RLEP contain a variety of measures to support economic development and jobs within the town centres. This includes the application of a minimum non-residential FSR on key strategic node sites, requirements for active street frontages on the ground floor of all sites and substantial improvements to the public domain to improve the quality, amenity and vibrancy of the town centres. While the controls cannot specify particular business types as this is dictated by the market, it is considered the provisions and progressive public domain improvements over time would help to support economic development in the town centres.
The town centres should have a mix of dwelling types, rather than focusing on boarding houses.	Part C Section 11 contains new objectives and provisions to encourage housing mix and diversity within the centres to meet the needs of different ages, lifestyles, physical abilities and life stages. This includes a mix of apartment types to cater for different age groups such as families with children, the elderly, and couples only and single households.
There is a substantial number of heritage-listed buildings in the area, and the proposed changes will have a negative impact on their value and character.	Part A Section 9 of the draft DCP contains strengthened controls for heritage items and contributory buildings across both town centres based on heritage consultant studies and the Burra Charter which is referenced as heritage best practice. These include: <ul style="list-style-type: none"> <li>• Controls to conserve and enhance the character and significance of heritage items</li> <li>• Controls encouraging the sensitive adaptation of heritage items and contributory buildings</li> <li>• The introduction of an upper level setback ranging from 5.5m-6m to ensure that distinctive elevations and historic fabric of contributory buildings are retained</li> <li>• Requirements to retain, restore and reinstate significant features and building elements on visible elevations including historic fenestrations and openings, awnings, lighting and historic signage</li> <li>• Requirements for infill development to respond positively to existing heritage items and contributory buildings through sensitive design</li> </ul>

	<p>such as respecting historic scales, proportions and vertical articulation of adjoining historic buildings.</p> <p>The proposed new heritage controls for Kensington and Kingsford are a significant improvement on the existing DCP and will help maintain the historical continuity and enhance streetscapes so that the <b>historical evolution of the town centres</b> are interpretable over time.</p>
The proposal needs to focus on achieving a coherent look between blocks - especially in Todman Square and its surrounding laneways. There is need for greater strategy, controls and objectives to tie the design, utility and amenities of these sites together so that they are thought about as a collective package rather than individual sites.	Supported. It is proposed to amend the DCP to require that development at key node sites achieve a coherent design outcome at each corner consistent with the relevant block controls.
No EIA has been conducted for the proposed sites. The block by block control doesn't take into consideration subsidence issues. Civil engineering issues could be highly contentious with council being cited and possibly accused for lack of duty of care.	This is addressed in the Council report.
The feedback previously provided by the Community Consultation has been ignored.	<p>Council has undertaken broad community consultation through all stages of the comprehensive planning review. Community input was integral in developing the international design competition brief, and preparation of the K2K Planning Strategy and Planning Proposal. Telephone surveys undertaken by independent market research consultants as part of the Planning Proposal exhibition has indicated broad support for the key directions proposed including the package of public benefits to be delivered (public realm upgrades, new plazas, affordable housing and community infrastructure).</p> <p>Feedback from consultations on the draft DCP have been considered and integrated where appropriate in the final DCP document.</p>
The proposed controls are not strong enough. Words like 'Desirable' are not enforceable and controls should be mandatory.	<p>Under the legislation a DCP is a guidance document which supplements the statutory provisions of the LEP. As per legislative requirements, DCPs are to retain a level of flexibility so that alternative solutions may be considered where it can be demonstrated that the objectives of the controls can still be achieved.</p> <p>The draft DCP controls are intended on achieving best practice in design, sustainability, and heritage conservation. The draft DCP is consistent with the intent of DCPs under the legislative framework in terms of providing detailed guidance for DAs while retaining a level of flexibility.</p>



All petrol stations along the area will disappear. Seniors rely on cars and will have to find petrol further away. They cannot walk or cycle to the town centre, and coronavirus makes public transportation risky for them.	This issue is outside the scope of the DCP. The planning system generally cannot intervene in individual property market decisions such as the sale of petrol stations or mandate the specific type of businesses in the town centres.
The current Covid-19 experience has created the necessity to plan developments and public space with an eye on social distancing and future health hazards.	This issue is outside the scope of the draft DCP. Social distancing and other associated health hazard responses are Government public health policy matters and at this stage has no bearing on DCP controls.
There is an absence of a cohesive design strategy that aims to create uniformity and fluidity in the design of the 4 nodes at Todman square.	Supported. The intended built form for Kensington and Kingsford town centres are part of a cohesive urban design strategy identified in the K2K Planning Strategy and to be implemented via the RLEP 2012 development standards and draft DCP block by block controls. There is merit in requiring a coordinated design approach for the Todman Square node sites and the DCP has been amended accordingly (Part B).
High-rise living produces negative social impacts such as isolation, poor mental health and disconnect of community.	The draft DCP and K2K Planning Strategy include a number of measures to encourage social interaction amongst the community. This includes strict application of the Apartment Design Guide which provides for common community areas in developments, new public plazas and upgrade of the existing public realm so that it is inviting and provides opportunities for social interaction and community events (Part D section 32). The draft DCP also includes provisions which will assist in strengthening and diversifying the night time economy so that it is safe, inclusive and encourages widespread community participation (Part C, section 25).
Due to Covid-19, it is sensible to impose a limit to the bulk and density of residential developments and encourage self-contained instead of shared amenities. This pandemic is going to last and is not going to be the last	This issue is outside the scope of the draft DCP. Responses to COVID and other health hazards such as social distancing and hygiene are generally a Government health policy and on-site management issue, and not related to the bulk, scale and design of development.
Can the Community Weekend Markets be reintroduced?	This issue is outside the scope of the draft DCP.
The Voluntary Community Infrastructure charge sounds highly contentious and controversial. There is no guarantee funds received will be diverted back into the Kensington community.	The Community Infrastructure Contribution is an RLEP 2012 matter and payable when greater heights and FSR are sought as per the applicable additional height and FSR maps. RLEP 2012 Clause 6.17 specifically stipulates that the CIC applies to the Kensington and Kingsford town centres and not other areas. Therefore, it is a statutory requirement that CIC funds collected be utilised towards the delivery of infrastructure delivery within the Kensington and Kingsford town centre catchment only. The Community Infrastructure

	Contribution Guidelines specifies the type of infrastructure to be delivered under the plan which will be undertaken in a staged coordinated approach.
One of the most important safety factors is to limit the occupancy rate in case of fire. Council may consider two persons maximum for one-bedroom apartments – three for two bedrooms and one for studios apartments. This ratio must be supervised. Students are notorious for overcrowding.	Fire safety and overcrowding are a compliance and regulatory matter outside the scope of the DCP.
Several new buildings along Kensington town centre have their ground floor much higher than street level. The result is an unfriendly space for seniors, persons with disabilities, and young families. An additional control is required to ensure that ground floor can only be one/two steps higher than street level.	Ground floor levels are raised in certain locations in Kensington to address flooding requirements. The draft DCP contains strengthened guidance for design in flood affected locations to provide an improved public/private interface while addressing flooding issues.
Can it be mandated that (reasonable) access to landscaped areas is open to public? For example, podium and rooftop spaces can be open for communal access and not only for tenants or residents.	Landscaped areas within developments are privately owned and Council controls cannot mandate public access and use of private roof top and communal spaces.
There are several strategic node sites in Kensington and Kingsford that are located across the street. Can these sites be connected by covered overhead bridges or underground tunnels? This will increase connectivity and improve accessibility between them. This can also open additional retail opportunities and add vibrancy to the area. This is common in Singapore, Thailand and Hong Kong.	The draft DCP does not include controls on underground tunnels or overhead bridges connecting the strategic node sites. However, should proponents incorporate underground or overhead connections between strategic nodes as part of a design scheme this would be considered on a case by case basis.
High rise developments underneath the flight path to Sydney airport is a concern for the safety of the flight crew, passengers and the residents.	Noted. The draft DCP (Part XX) contains a number of controls for development under the flight path. Council has consulted with the Department of Infrastructure, Transport, Regional Development and Communications in developing the draft DCP controls to protect airspace and to address safety considerations.





## Director City Planning Report No. CP44/20

**Subject: Variation to Development Standard - Clause 4.6 - 10  
September to 9 October 2020**

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### Executive Summary

- The NSW Department of Planning (DOP) released a Planning Circular in 2008 advising of additional requirements councils are required to adopt in relation to SEPP 1 objections and Clause 4.6 exceptions. This report provides Council with the development applications determined where there had been a variation in standards under Clause 4.6.

### Recommendation

That the report be received and noted.

### Attachment/s:

1.  SEPP 1 and Clause 4.6 Register - 10 Sept to 9 Oct 2020

## Purpose

The NSW Department of Planning (DOP) released a Planning Circular in November 2008 advising councils to adopt additional procedures in relation to the administration of variations to development Standard. The additional measures are largely in response to the ICAC inquiry into Wollongong City Council. Those additional measures are:

- 1) Establishment of a register of development applications determined with variations in standards under State Environmental Planning Policy No. 1 (SEPP1) and Clause 4.6;
- 2) Requirement for all development applications where there has been a variation greater than 10% in standards under SEPP1 and Clause 4.6 to be determined by full council (rather than the general manager or nominated staff member);
- 3) Providing a report to Council on the development applications determined where there had been a variation in standards under SEPP1 and Clause 4.6; and
- 4) Making the register of development applications determined with variations in standards under SEPP1 and Clause 4.6 available to the public on Council's website.

## Discussion

This report is in response to point 3 above. A table is attached to this report detailing all Clause 4.6 exceptions approved in the period between 10 September and 9 October 2020.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	4. Excellence in urban design and development.
Direction	4b. New and existing development is managed by a robust framework.

## Resourcing Strategy implications

There is no direct financial impact for this matter.

## Conclusion

The NSW Department of Planning (DOP) released a Planning Circular in 2008 advising of additional requirements councils are required to adopt in relation to SEPP1 objections and Clause 4.6 exceptions. This report is in response to one of those requirements.

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**Responsible officer:** Terry Papaioannou, Environmental Planner Officer (Technical - Research)

**File Reference:** F2008/00122

## SEPP 1 AND CLAUSE 4.6 REGISTER BETWEEN 09 SEPTEMBER TO 09 OCTOBER 2020

Council DA reference No.	Lot No.	DP No.	Street No.	Street name	Suburb/ Town	Post-code	Category of development	EPI	Zone	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined	Approved by
DA/609/2019	258	10752	108	Eastern Ave	KINGSFORD	2032	7: Residential - Other	RLEP 2012	R2 - Low Density Residential	Clause 4.4 - FSR = 0.65:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 0.704:1 or 8.3%	NSW Dept of Planning	06-Oct-20	DEL
DA/78/2020	10	6106	338	Maroubra Rd	MAROUBRA	2035	3: Residential - New second occupancy	RLEP 2012	R2 - Low Density Residential	Clause 4.4 - FSR = 0.5:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 0.549:1 or 9.95%	NSW Dept of Planning	01-Oct-20	DEL
DA/600/2019	10	102983	39-47	St Pauls St	RANDWICK	2035	9: Commercial / retail / office	RLEP 2012	B1 - Neighbourhood Centre	Clause 4.4 - FSR = 1.5:1 Clause 4.3 - Building height of 12m	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views	FSR increased to 1.79:1 or 19.8% ; Existing = 1.7:1 Building height is 14.4 or up 20%; Existing = 16.8m	NSW Dept of Planning	10-Sep-20	RLPP
DA/148/2020	10	102983	39-47	St Pauls St	RANDWICK	2035	9: Commercial / retail / office	RLEP 2012	B1 - Neighbourhood Centre	Clause 4.4 - FSR = 1.5:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views	FSR increased to 1.72:1 or 0.7% ; Existing = 1.7:1	NSW Dept of Planning	10-Sep-20	RLPP
DA/278/2020	25	82375	36	McKeon St	MAROUBRA	2035	1: Residential - Alterations & additions	RLEP 2012	B1 - Neighbourhood Centre	Clause 4.3 - Building height of 12m	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views	Building height is up to 14.81m or up to 23%	NSW Dept of Planning	10-Sep-20	RLPP

CP44/20



## Director City Planning Report No. CP45/20

**Subject: La Perouse Museum - Public Exhibition of the Curatorial Review and Upgrade Report (Betteridge Consulting, June 2020)**

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### Executive Summary

- Council adopted a La Perouse Museum Business Plan (2017) which formalised the Museum's five themes.
- This framework has also informed the Museum's Collection Policy (2020), and all programming.
- As part of the La Perouse Museum Redevelopment Project (2018 onwards), the current themes were put to community consultation which suggested strong community support across all five.
- Curatorial consultant Margaret Betteridge was commissioned in 2019-20 to produce the *La Perouse Curatorial Review and Upgrade Framework* (17 June 2020, Betteridge Consulting), exploring the themes as embodied in the Museum's history, current displays and programming, and proposing strategies to better interpret the themes for the future La Perouse Museum.
- In order for the Museum's future direction to be determined with broad community input, the Betteridge Report with its culminative research and analysis of the Museum's themes, be subject to public exhibition.

### Recommendation

That Council endorse the *La Perouse Curatorial Review and Upgrade Framework* by Betteridge Consulting (17 June 2020) for public exhibition.

### Attachment/s:

1. Link to La Perouse Museum Curatorial Review and Upgrade Framework Report





## Purpose

The purpose of this report is to provide context to the evolution and significance of the Museum's extant five themes, the findings of Community Consultation on the themes, the key findings and recommendations of the subsequent Betteridge Report, and seeks Council's endorsement of the *La Perouse Curatorial Review and Upgrade Framework* for public exhibition.

## Background

Since the La Perouse Museum was initially established in 1988 as a French-themed Museum around the explorer Lapérouse, its stories and programs continued to broaden under the care of National Parks and Wildlife Service (NSW) curators, reflecting the locale and the communities in which the Museum is situated and serves.

By 2017, when Randwick City Council signed a lease with NPWS to take over management of the Museum and of the La Perouse Headland, the displays and collections had evolved into five palpable themes; Lapérouse and the ongoing French legacy, the stories and history of the Aboriginal Community, and to lesser degrees, the environment, the Cable Station and other community stories.

Council adopted a La Perouse Museum Business Plan (2017) which formalised the Museum's five themes as follows:

- Traditional Custodians and the Aboriginal Community of Guriwal La Perouse
- The French Connection from Lapérouse onwards (including First Contact and Colonialism)
- Science and Communication
- The Environment
- The wider social history of La Perouse with connections to the Randwick region.

This framework has also informed the Museum's Collection Policy (2020), and all programming.

As part of the La Perouse Museum Redevelopment Project (2018 onwards), the current themes were put to community consultation which suggested strong community support across all five. As such, curatorial consultant Margaret Betteridge was commissioned in 2019/2020 to produce the *La Perouse Curatorial Review and Upgrade Framework* (17 June 2020, Betteridge Consulting), exploring the themes as embodied in the Museum's history, current displays and programming, and proposing strategies to better interpret the themes for the future La Perouse Museum.

It is important to note that the *La Perouse Curatorial Review and Upgrade Framework* Report's recommendations pertaining to the stories of the La Perouse Aboriginal Community are pending review by an appointed Aboriginal Curator working with the local community. They are illustrative only of a possible approach, as it is considered critical that these stories emerge from and are shaped by their owners.

## Evolution of the Museum's current thematic focus

The La Perouse Museum's collections, exhibitions and programs have continued to evolve since it was established as a French-themed museum in 1988. Initially the Museum focused on the life and legacy of the great French explorer Jean-Francois de Galaup, comte de Lapérouse, who was last seen alive on the site where the Museum stands, and was a result of partnerships between Lapérouse Association for the Australian Bicentenary, the State Government and the French Government. National Parks and Wildlife Services as State Government owners of both the Cable Station and the La Perouse Headland, managed the Museum until 2017.

During the 1990s, an Aboriginal Keeping Place was established for a short period in the eastern wing of the Museum, as the Museum began to better reflect the locales and communities of La Perouse. The NPWS curators continued to expand the collections and displays with very limited resources, and by the 2010s the Museum had disparate and ad hoc displays on the social

histories, environment, and the iconic arts and commerce of the Aboriginal community alongside the 1988 French displays.

### Randwick City Council – 2017 Lease Agreement and Museum documentation

In October 2017, Randwick City Council signed a 21-year lease (with a 21 year renewal option) with NPWS and took over the management of the Museum and the Headland, and in the same year a short-term Business Plan was adopted for the Museum's operations and development. (CP33/18 / 192/18). A curator was appointed in March 2018 and established a dynamic program of temporary exhibitions and programs reflecting the Museum's themes as represented in the collections and permanent exhibitions. A Collection Policy, based on five themes, was recently endorsed by Council for public exhibition (CP36/20 / 222/20).

From 2017 to 2020, the Museum has successfully delivered over 45 public programs, 7 internally curated exhibitions and other events based on these five themes, in order to establish the Museum as a relevant and embedded cultural hub for its growing audiences (over 57,000 in that period, to date). It is worth noting that programs delivered in partnership with Aboriginal artists, guides and storytellers have proven to be particularly popular.



### The Five Themes of La Perouse Museum 2017

The extant Five Themes of the La Perouse Museum as discussed above and formally documented in the La Perouse Museum Business Plan (2017) and the Collection Policy (2020, pending public exhibition), firmly establishes the Museum as a regional museum, reflecting the international importance of the suburb of La Perouse. They also reflect how the Museum and its concise collections have evolved since 1988.

*The Five Themes are as follows:*

#### THE TRADITIONAL CUSTODIANS AND ABORIGINAL COMMUNITY OF LA PEROUSE

The Museum stands on Aboriginal land; there is evidence of occupation of this area for over c.7000 years. The Traditional Custodians are the Bidjigal and Gadigal Peoples. The wider region (Kamay Botany Bay) is a Site of First Contact – Captain Cook in 1770, and later the First Fleet and Lapérouse (1788). The area is home to one of the largest and most dynamic urban Aboriginal communities in Australia with long, ongoing traditions of economic innovation, artistic endeavour, political activism, resilience, and self-determination.

*Poorly represented in Museum currently and disproportionate to the importance of the local community; small collection of commercial art including shellwork by Auntie Lola Ryan, burned wooden art by Uncle Laddie Timbery and others, contemporary art by Natalie Bateman, Uncle Keith Stewart. Primary theme for current public programs, features in schedule of temporary exhibitions (Aboriginal Art of La Perouse 2018, La Perouse Through the Lens (2019), Happy Valley: La Perouse and the Depression (2020).*

#### FIRST CONTACT AND THE FRENCH CONNECTION FROM LAPÉROUSE (INCL. COLONIALISM)

The doomed explorer Lapérouse was last sighted on the area on which the Museum is situated in 1788 where he stayed for six weeks; and was memorialised by Baron de Bougainville in 1829 with the erection of two monuments on the Headland – the Lapérouse Monument and the Pere Receveur Tomb - on land granted by Governor Brisbane. The site is one of great importance to the French community and the Museum was established initially as a museum dedicated to the French explorer. Annual French events include the Catholic Mass, Bastille Day and regular visits

to the site from the French Navy. The French Consulate makes an annual contribution to the upkeep of the monuments.

Sub-themes include First Contact (Cook, 1770 etc), and colonialism (The Martello Watchtower, Governor Macquarie's 1812 edict for non-development, oppression of Aboriginal community, shared economies, Happy Valley etc).

*Well represented in the displays and collections. The Friends of Lapérouse Museum Inc. run activities and lectures pertaining to the French legacy, the Museum runs some programs on French themes.*

### THE ENVIRONMENT

The environment has incredible ongoing cultural, economic and social importance to the Aboriginal community. La Perouse also holds a unique geological, botanical and biological character, and is a heritage-listed National Park with endemic flora including the Eastern Banksia. Local fauna includes unique terrestrial and marine animals endemic to the area. Cook's scientists Banks and Solander (1770) collected specimens from both sides of Bay which is now of international importance, and the entire site above and below water is a hub of scientific study.

*Poorly represented in Museum currently; "Botany Above and Below" marine photography.*

### SCIENCE AND COMMUNICATION

The Museum is housed in the 1882 Cable Station, operating site for the Eastern Australia Extension submarine telegraph line that connected New Zealand to Australia, then across the rest of the world. The Cable Station was operational until 1901 when replaced by larger station at Yarra Bay House (now home to La Perouse Aboriginal Land Council). There is great potential for stories around communication, technological advances, the changing appearance of the region.

*Poorly represented in Museum displays; collection is representative, possibility for exhibitions.*

### SOCIAL HISTORY OF LA PEROUSE

La Perouse is unique as a place of isolation, resilience, comradeships, protest and tourism. There is an Aboriginal connection to this land dating back over 7000 years. In more recent times, it has been known as "the end of the line" with trams running until 1961, connections of Ferry across bay until 1964, the Boat Sheds community, Bare Island, the Depression Camps, and the expansion of tourism and related commerce and local industry, a recreational hotspot for Randwick and Sydney, and now iconic as home to a strong and dynamic Aboriginal community.

*Poorly represented in Museum displays and collections, primary theme for interpretation and public programming.*

### Public Exhibition of Museum Themes 2019 and Community Consultation

In 2019, Randwick City Council engaged Cred Consulting to undertake community consultation based around the Museum's five themes, and community perception and desires around the Museum itself to inform future upgrade planning.

Consultation comprised two community workshops, focus groups with key stakeholders including the La Perouse Aboriginal Community and the Land Council, the French Consulate, the Friends of Laperouse Museum, and Randwick City Council councillors, NPWS, and a "Have Your Say" campaign with online surveys.

Community feedback regarding the perceived importance of the Five Themes was very even (see excerpt from the Consultation InfoGraphic summary).

## RATING THE IMPORTANCE OF THE MUSEUM'S FIVE THEMES

Survey participants rated the importance of the La Perouse Museum's five themes for future programs and exhibitions. The proportion of "important" or "very important" ratings is shown below.



### The La Perouse Museum Curatorial Review and Upgrade Framework (Betteridge Consulting, 2020)

Based on the planning needs of the La Perouse Museum and confirmed by the results of the Community Consultation as described above, Council engaged an experienced Museum sub-consultant; Margaret Betteridge of Betteridge Consulting, to review the five themes, programming, collections and displays of the Museum and provide recommendations for future directions and curatorial strategies.

It is important to note that the *La Perouse Curatorial Review and Upgrade Framework* Report's recommendations pertaining to the stories of the La Perouse Aboriginal Community are pending review by an appointed Aboriginal Curator working with the local community. They are illustrative only of a possible approach.

With particular regard to the Five Themes (or "pillars"); the Betteridge Report makes the following key recommendations:

- That the **Five Pillars are the foundations** for developing the Museum framework into the future
- That the **Five Pillars are introduced using 1 icon object each** and displayed in the Instrument Room and integrated with wayfinding and a historical chronology to underpin the legibility of the Museum.
- That the **Five Pillars establish the connecting themes** and narratives for delivering legible, relevant, and cohesive **permanent and temporary exhibitions and inspire public programs**.
- That the **authentic voice and representation of the La Perouse Aboriginal Community** - as part of the interpretation of the Museum and Headland - is informed through the early engagement of an Aboriginal consultant and/or curator, and also from the outcomes of Randwick City Council's Aboriginal Cultural Heritage Study.



- That the **Five Pillars** are not delivered as silos but **are interrogated to identify the connecting themes** and the inter-related narratives
- That the **narratives are constructed as balanced, credible, legitimate and authentic** and are supported with relevant objects and/or other media which enhances their understanding.
- That the develop of narratives in the Museum **investigate opportunities through a gaps analysis** to introduce new ways of telling the stories using contemporary media.

**1. Public Exhibition of *The La Perouse Museum Curatorial Review and Upgrade Framework* (Betteridge Consulting, 2020)**

In order for the Museum's future direction to be determined with the maximum community ownership and relevancy, this Report recommends that the above Betteridge Report with its culminative research and analysis of the Museum's themes, be subject to public exhibition.

### Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	7. Heritage that is protected and celebrated.
Direction	7a. Our heritage is recognised, protected and celebrated.

### Resourcing Strategy implications

The consultation and exhibition will be accommodated within the existing budget allocations.

### Policy and legislative requirements

Not applicable.

### Conclusion

The evolution of the La Perouse Museum from a French-themed Museum in 1988 to a more broadly focused Museum of today, illustrates how outward-facing museums often evolve and adapt as a reflection of their changing communities.

As a key and popular cultural destination for Randwick, and moreover as Randwick City Council continues to promote arts and culture in policy and programming, it is important that the Museum is relevant to its community to remain viable and vibrant.

As such, as the "La Perouse Museum Curatorial Review and Upgrade Framework" (Betteridge Consulting, 2020) provides an expert and extensive analysis of the Museum's core focus as embodied in the Five Themes of the Museum, it is recommended the Betteridge Report be publicly exhibited for community feedback.

**Responsible officer:** Roxanne Fea, Curator La Perouse Museum

**File Reference:** F2018/01181

## Director City Planning Report No. CP46/20

**Subject: Christmas and New Year's Eve Events 2020**

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### Executive Summary

- Due to COVID-19, it is not possible to ensure the safety of the community and proceed with the usual events that Council holds over Christmas and New Year such as the Seniors Christmas concerts, Coogee Carols and New Year's Eve fireworks.
- A range of activities and events are suggested that would bring the community together in a COVID safe way in lieu of the cancellation of the Seniors Christmas concerts, Coogee Carols and New Year's Eve fireworks.
- The alternative program of Council events and activities over the Christmas period has been designed to help our community celebrate Christmas in a safe way that brings festive cheer, encourages the spirit of giving and connects people through the many traditions of Christmas around the world.

### Recommendation

That Council does not proceed with the Seniors Christmas concerts, Coogee Carols and New Year's Eve fireworks and instead adopts a wide range of activities and events aimed at bringing our community together over Christmas in a COVID safe way.

### Attachment/s:

Nil

CP46/20



## Purpose

Due to COVID-19, it is not possible to ensure the safety of the community and proceed with the usual events that Council holds over Christmas and New Year such as the Seniors Christmas concerts, Coogee Carols and New Year's Eve fireworks. Instead a range of activities and events are suggested that would bring the community together in a COVID safe way and support local businesses.

## Discussion

An alternative program of Council events and activities over the Christmas period has been designed to help our community celebrate Christmas in a safe way that brings festive cheer, encourages the spirit of giving and connects people through the many traditions of Christmas around the world. The activities and events would include the following:

- A Christmas light trail showcasing the best lights and decorated homes in our LGA
- Shop local elves to roam and spread some cheer in our town centres
- Competition to design the Mayor's Christmas Card
- Xmas themed face masks that raise money for local charities
- Buskers and carol singers in town centres
- Engage local chalk artists and encourage residents to decorate their driveways and footpaths in XMAS themed artwork
- Street banners to be installed with Carols themes
- Decorative tree wrapping
- Celebrate cultural diversity with a social media campaign featuring the different traditions our community celebrates at Christmas
- A range of town centre activations are proposed, including solar light pole ornaments, Christmas trees, window displays, illuminated installations featuring giant candy canes, giant Santa, giant ice cream, photo set ups, giant advent calendar, markets, and fairy lights in trees.

The above activities and events would be spread right across the LGA and with the large variety on offer, providing significant opportunities for our community to engage with all parts of our city.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	2. A vibrant and diverse community.
Direction	2d. Our cultural diversity is appreciated and respected.

## Resourcing Strategy implications

The Christmas activities program will be funded from the 2020/21 Economic Development and Placemaking budget that encompasses the allocations from not proceeding with the regular events that occur over the Christmas period.

## Policy and legislative requirements

NSW public health orders under section 7 of the Public Health Act 2010.

## Conclusion

Due to COVID -19, it is not possible to ensure the safety of the community and proceed with the usual events that Council holds over Christmas and New Year such as the Seniors Christmas concerts, Coogee Carols and New Year's Eve fireworks. Instead a range of activities and events

are suggested that would bring the community together in a COVID safe way and support local business.

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**Responsible officer:** Kerry Kyriacou, Director City Planning

**File Reference:** F2020/00429

CP46/20



## Director City Planning Report No. CP47/20

**Subject:** 18-20 Stanley Street, Randwick (DA/40/2020)

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<b>Proposal:</b>	Integrated development for concept plan approval to redevelop the Emanuel School site including increase in student capacity from 785 to 920 and Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works (State Heritage Item & Heritage Conservation Area).
<b>Ward:</b>	North Ward
<b>Applicant:</b>	Emanuel School c/- City Plan Strategy and Development
<b>Owner:</b>	Emanuel School
<b>Cost of works:</b>	\$11,597,729

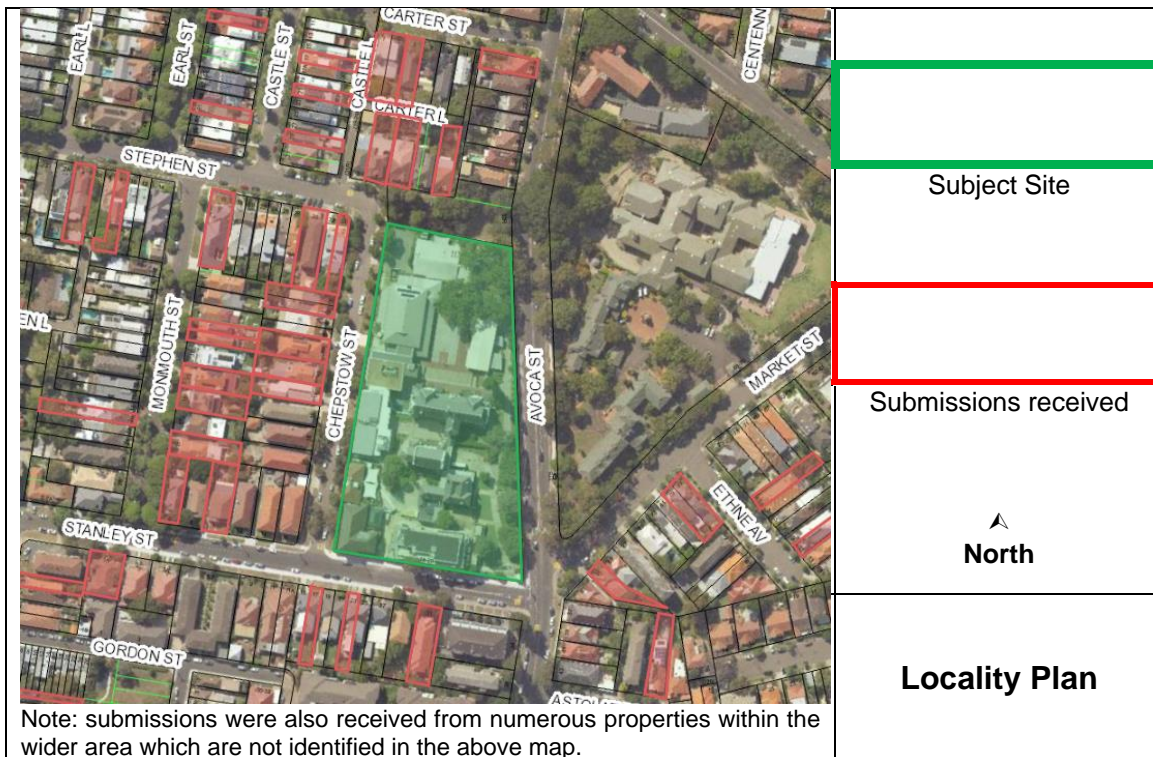
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### Recommendation

That the SECPP assessment report for DA/40/2020, 18-20 Stanley Street, Randwick be received and noted.

CP47/20

CP47/20



## 1. Executive summary

Council is in receipt of a development application seeking consent for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping.

The subject site currently comprises the Emanuel School and is located at 18-20 Stanley Street, Randwick. The site is bounded by Avoca Street to the east, Chepstow Street to the west and Stanley Street to the south, and has a total site area of 14,710m<sup>2</sup>. The Alder Building is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street. The site is identified as a State Heritage Item and is also listed as a heritage item and within a Heritage Conservation Area under Randwick LEP 2012.

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the development is an Educational Establishment with a capital investment value in excess of \$5 million, and is defined as Regionally Significant Development.

The purpose of this report is to allow Council to consider the attached assessment report and determine whether to make a submission to the SECPP.

## 2. Issues

### Public Exhibition and Notification

The development application was subject to public exhibition in accordance with Council's Community Participation Plan involving an advertisement on Council's website, a site notification attached to the subject site and written notice to surrounding property owners. As a result of the original notification process a total of forty-four (44) unique submissions were received. Amended plans in response to concerns raised by Council were submitted by the Applicant on 10 July 2020. In accordance with the Community Participation Plan, the amended plans were renotified to

surrounding properties. As a result of the re-notification process an additional forty (40) submissions were received. The submissions raised concerns with regards to the following:

- The community consultation process and notification of the application;
- Breach of the existing development consent in relation to permitted student numbers;
- The proposed increase in student numbers and associated impacts;
- Traffic and parking;
- Concerns regarding the built form and visual impact, and compatibility with the streetscape and heritage significance of the site;
- Concerns regarding inadequate landscaping;
- Impacts upon the heritage significance of the site;
- Adverse amenity impacts in relation to view loss, overshadowing, visual and acoustic privacy and visual amenity;
- Future development of the site and masterplan, and that the proposal is an overdevelopment of the site;
- Stormwater management of the site.

The submissions were considered in the assessment of the application.

### **Relevant Environmental Planning Instruments**

The subject site is zoned SP2 – Educational Establishment under Randwick Local Environmental Plan 2012. The proposal is considered to be consistent with the zoning objectives subject to the amended plans submitted, which include a reduction to the overall bulk and scale of the development and changes to materials and finishes. Due to the SP2 zoning and nature of the development, being an Educational Establishment, there are no applicable development standards for the subject site, however the proposed development is considered to be consistent with the relevant objectives of the height and FSR standards.

As the proposal is for alterations and additions to a school, the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* apply to the proposed development. The proposal is considered to satisfy the design quality principles set out in Schedule 4 of the SEPP and the relevant clauses pursuant to Part 4 of the SEPP.

### **Heritage**

The subject site is identified as a State Heritage Item and is also listed as a heritage item (containing three (3) local heritage items) and within a Heritage Conservation Area (North Randwick Heritage Conservation Area) under Randwick LEP 2012. As such the application was referred to the Heritage Division of the NSW Office of Environment and Heritage and Council's Heritage Planner. Several concerns were raised by Heritage NSW in response to the original proposal including the compatibility of the development with the heritage items and conservation area, and loss of views into the site. In response to the heritage concerns raised, consultation with Heritage NSW was carried out by the Applicant to discuss alternative design options and an amended proposal was submitted. The amended development involved significant changes to the built form, including partial retention of the existing Adler building and a third storey addition which has been significantly setback from the lower levels to minimise the apparent bulk and scale. The proposal also included changes to the materiality of the building and better articulation of the building facades including additional window openings. Heritage NSW raised no objection to the amended proposal and provided general terms of approval for the development. Council's Heritage Planner was also in support of the amended design and it is considered that the proposed development shall not result in any detrimental impacts upon the heritage significance of the site.

### **Design Excellence and Built Form**

Due to the size of the subject site, being in excess of 10,000m<sup>2</sup>, the site is subject to clause 6.11 of RLEP 2012 which requires the development to exhibit design excellence. As such the application was referred to Randwick Design Excellence Panel for review and recommendations. The DEP raised numerous concerns in relation to the original proposal with particular regards to the bulk and scale of the development, articulation and materiality, and presentation to the streetscape. In



response to concerns raised by the DEP, Heritage NSW and Council, an amended proposal was submitted with a revised built form which involved retention, alterations and additions to the existing Adler building rather than demolition and construction of a new building. The DEP concluded that the amended proposal had resolved initial concerns and was supportive of the revised proposal, subject to some minor design changes in relation to materials and finishes. There are no applicable built form controls for the development and therefore the proposed built form is assessed on merit. It is considered that the amended proposal shall not be incompatible with the existing streetscape, noting the mixture of the school site and residential properties, and shall be compatible with the bulk and scale of development anticipated for the desired future character of the local area.

### **Engineering Matters (including Traffic and Parking)**

The subject site currently provides for nineteen (19) off-street parking spaces. The proposed development seeks to increase the capacity of the school by increasing the number of students, however no additional parking is provided on site. A Traffic Assessment has been submitted with the application, however a detailed assessment of the traffic and parking impacts has been undertaken by Council's Development Engineer Coordinator. The subject site is highly constraint by the location of existing buildings on site and limited landscaped areas, and the heritage significance of the site. As such the ability to provide additional on-street parking is restricted and would be problematic. Furthermore, the provision of on-site parking would require extensive excavation, or result in a reduction to integral landscaping on the site or outdoor recreation space which would adversely impact upon the amenity of the school. Subject to the recommendations within the assessment report, which requires detailed management plans in relation to the operation of the school and associated traffic impacts, a green travel plan, commitment from the school to ensure no net increase in vehicles and the implementation of a Community Liaison Committee, the proposal is not considered to result in any unreasonable impacts upon the local area.


### **Amenity Impacts**

With respect to the amenity impacts, the proposed development will not contribute to any unreasonable overshadowing impacts, noting that compliant solar access to southern residential properties shall be maintained. Due to the spatial separation between the subject site and adjoining residential properties, the proposed development is not considered to result in any unreasonable visual privacy impacts, with the main recreation areas orientated to the interior of the site. Furthermore, assessment by Council's Environmental Health Officer concludes that there shall be no significant increase to noise impacts as a result of the proposed development and increase in student numbers.

### **Conclusion**

The proposed developemnt satisfies the relevant statutory criteria and will provide the school with additional facilities and increased amenity. The proposal shall result in a built form which is compatible with the desired future character of the area. Furthermore, the proposal is not considered to result in any adverse impacts upon the heritage significance of the subejct site. Subject to the recommendations of the assessment report, the development shall not result in any unreasonable impacts upon the local area or surrounding properties and therefore the application is recommended for approval subejct to conditions.

### **Attachment/s:**

1.  DA - Sydney Central Planning Panel - DA/40/2020 - 18-20 Stanley Street, Randwick

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**Responsible officer:** Angela Manahan, Senior Environmental Planning Officer

**File Reference:** DA/40/2020



## Sydney Central Planning Panel

<b>SCPP No.</b>	PPSSEC-42
<b>DA No:</b>	DA/40/2020, 18-20 Stanley Street, RANDWICK NSW 2031, Integrated development for concept plan approval to redevelop the Emanuel School site including increase in students from 785 to 920, Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works (State Heritage Item & Heritage Conservation Area).
<b>Applicant:</b>	<i>Emanuel School c/- City Plan</i>
<b>Report By:</b>	<i>Angela Manahan</i>

## 1.0 Executive Summary

Council is in receipt of a development application seeking consent for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping. While the Applicant indicates there shall be no net increase in staff numbers, the relevant previous approval for the site under DA/181/2009 was based on a total of 97 staff members and Council is aware that the existing staff numbers exceed this at 138 staff members. As such the increase in staff numbers has also been considered in the assessment of the application.

Pursuant to Section 4.7, of the *Environmental Planning and Assessment Act 1979* and schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*, as the development is an Educational Establishment with a capital investment value in excess of \$5 million, the development is defined as Regionally Significant Development, and the application is referred to Sydney Eastern City Planning Panel for determination.

The subject application (original proposal) was advertised and notified from 13 February through to 15 April 2020 and the amended proposal was re-notified between 30 July and 18 August 2020 in accordance with Council's Community Participation Plan. Forty-four (44) submissions were received in response to the original development and forty (40) submissions in response to the amended proposal as a result of the notification process.

The subject site currently comprises the Emanuel School and is located at 18-20 Stanley Street, Randwick. The site is bounded by Avoca Street to the east, Chepstow Street to the west and Stanley Street to the south, and has a total site area of 14,710m<sup>2</sup>. The Alder Building is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street.

The subject site is zoned SP2 – Educational Establishment under *Randwick Local Environmental Plan 2012* (RLEP 2012). The proposal is consistent with the zoning objectives subject to the amended plans submitted, which include a reduction to the overall bulk and scale of the development and changes to materials and finishes. Due to the SP2 zoning and nature of the development, being an Educational Establishment, there are no applicable development standards for the subject site, notwithstanding the proposed development is considered to be consistent with the objectives of the height and FSR standards.

As the proposal is for alterations and additions to a school, the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* apply. The proposal is considered to satisfy the design quality principles set out in Schedule 4 of the SEPP and the relevant clauses pursuant to Part 4 of the SEPP.

The subject site is identified as a State Heritage Item, a local heritage item (containing three (3) local heritage items) and is within a Heritage Conservation Area (North Randwick Heritage Conservation Area) under Randwick LEP 2012. As such, the application was referred to the Heritage Division of the NSW Office of Environment and Heritage and Council's Heritage Planner. Heritage NSW raised no

objection to the amended proposal and provided General Terms of Approval. Council's Heritage Planner is also in support of the amended design and it is considered that the proposed development shall not result in any detrimental impacts upon the heritage significance of the site or heritage conservation area.

Due to the size being in excess of 10,000m<sup>2</sup>, it is subject to clause 6.11 of the RLEP 2012, which requires the development to exhibit design excellence. As such, the application was referred to Randwick Design Excellence Panel (DEP) for review and recommendations. The DEP raised numerous concerns in relation to the original proposal with particular regards to the bulk and scale of the development, articulation and materiality, and presentation to the streetscape. In response to concerns raised by the DEP, Heritage NSW and Council, an amended proposal was submitted with a revised built form which involved retention / alterations and additions to the existing Adler building rather than demolition and construction of a new building as originally proposed. The amended design was referred back to the DEP, who concluded the amended proposal has resolved initial concerns and is supported.

The subject site currently provides for nineteen (19) off-street parking spaces. The proposed development seeks to increase the capacity of the school by increasing the number of students from 785 (as approved) to 920, however no additional parking is provided on site. A Traffic Assessment has been submitted with the application, with a detailed assessment of the traffic and parking impacts also undertaken by Council's Development Engineer Coordinator. It is noted that the school has been operating beyond the approved capacity (with 827 students enrolled) and exceeds the previously assessed staff numbers. The subject site is highly constraint by the location of existing buildings on site and limited landscaped areas, and the heritage significance of the site. As such the ability to provide additional on-street parking is restricted and would be problematic. Furthermore, the provision of on-site parking would require extensive excavation, or result in a reduction to integral landscaping on the site or outdoor recreation space which would adversely impact upon the amenity of the school. Subject to the recommendations within the assessment report, which requires detailed management plans in relation to the operation of the school and associated traffic impacts, a green travel plan, commitment from the school to ensure no net increase in vehicles and the implementation of a Community Liaison Committee, the proposal is not considered to result in any unreasonable impacts upon the local area.

With respect to the amenity impacts, the proposed development will not contribute to any unreasonable overshadowing impacts, noting that compliant solar access to southern residential properties shall be maintained. Due to the spatial separation between the subject site and adjoining residential properties, the proposed development is not considered to result in any unreasonable visual privacy impacts, with the main recreation areas orientated to the interior of the site. Furthermore, assessment by Council's Environmental Health Officer concludes that there shall be no significant increase to noise impacts as a result of the proposed development and increase in student numbers.

Council's Section 7.12 Development Contributions Plan applies to the proposal and a monetary levy of \$115,977.29 is required.

The proposal satisfies the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to the recommended conditions.

## 2.0 Site Description and Locality

The site is legally referred to as Lot 1 and Lot 2 in Deposited Plan 709332, and is known as 18-20 Stanley Street, Randwick. The site has a total area of 14,710m<sup>2</sup> and is irregular in shape. The site is occupied by the Emanuel School. The site is identified as a State Heritage Item and is also listed as a heritage item and within a Heritage Conservation Area under Randwick LEP 2012.



CP47/20



Figure 1: Aerial view of site.

The site has three (3) street frontages, with a frontage to Avoca Street to the east, Stanley Street to the north, and Chepstow Street to the west, and is bounded partially by Stephen Street to the north. The site generally slopes from south to north. The Alder Building is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street.



Figure 2: Elevated view of the site looking north (Source: City Plan)

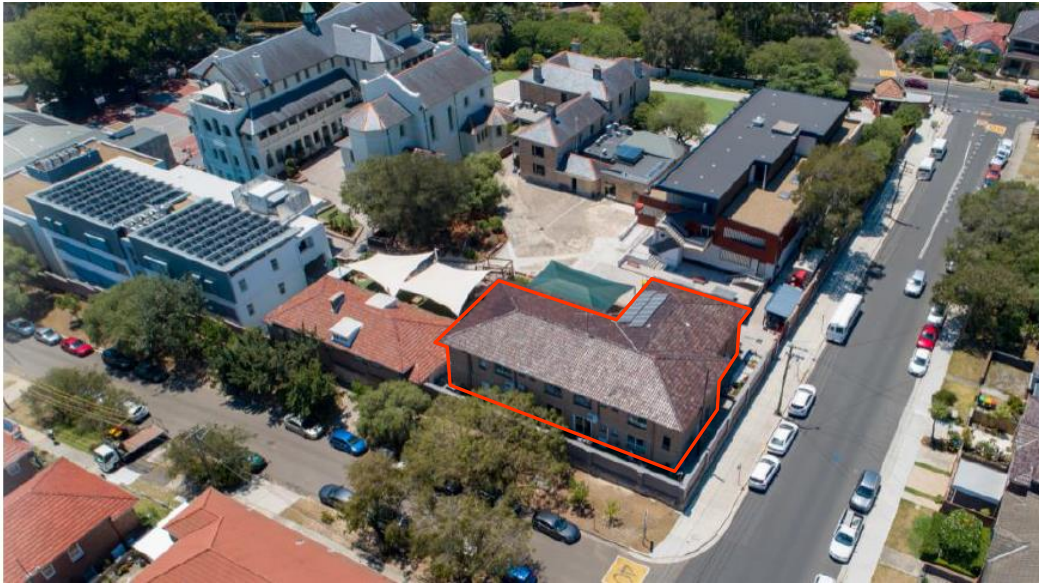


Figure 3: Aerial view of south-western corner of the site, existing Adler Building identified in red (Source: City Plan).

The site is surrounded by residential developments to the north, south and west, with Mt St Josephs Care Home located to the east of the site on the opposite side of Avoca Street. The subject site is zoned SP2 for the purpose of an Educational Establishment pursuant to RLEP 2012. The surrounding sites are zoned R3 Medium Density Residential to the south and west, and R2 Low Density Residential to the north-west and far north. Randwick Peace Park directly adjoins the site to the north and is zoned for public recreation. The SP2 zoning to the east is in relation to the Seniors Housing, being the Care Home, and an Educational Establishment, being St Margaret Mary's Catholic Primary School. See Zoning Map in Figure 4 below:

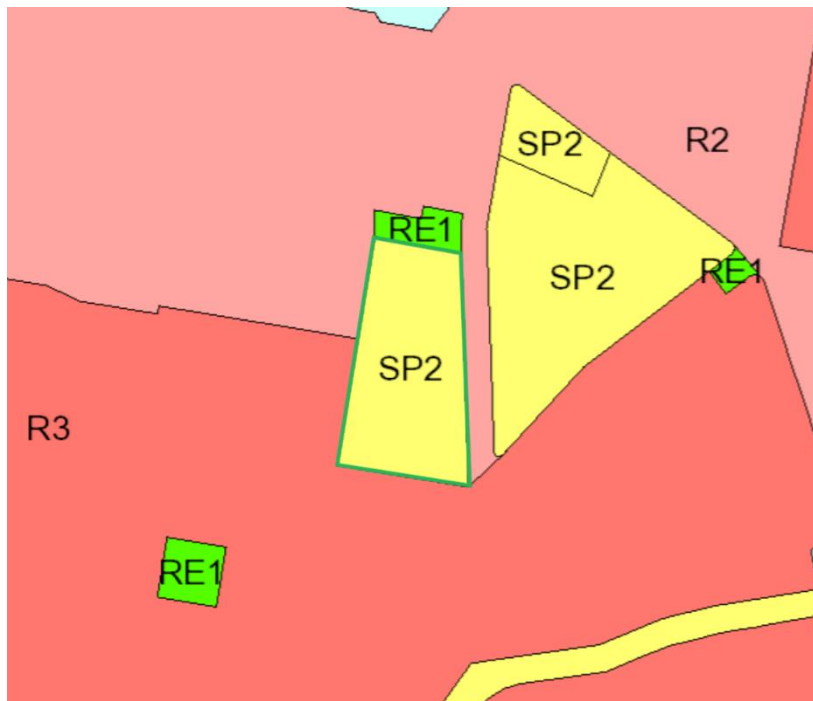


Figure 4: Land Zoning Map RLEP 2012, subject site highlighted in green.



2. **DA/181/2009**

[illegible]

It is considered that the proposed masterplan would sit over the top of the approved plan in relation to the Adler building (being Height Area B) and the new masterplan would supersede the previous approved plan.

- DA/458/2012: Construction of a two level addition to the existing multi-purpose hall at the Emanuel School containing 4 music rooms and a rehearsal room with new decking and courtyard area adjacent to hall (Heritage Conservation Area and Heritage Item). Approved: 05/03/2013 by Delegated.
- DA/702/2012: Removal of existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated works (Heritage Item; consent is also required from NSW Department of Environment & Heritage). Approved: 19/06/2013 by External Committee (JRPP).

- DA/12/2015: Alterations and additions to the existing art building located on the south-western side of the Emanuel School campus including new internal sanitary facilities, acoustic wall and new balustrade to existing verandah (Heritage Conservation Area and Heritage item) (Integrated Development). Approved: 17/03/2015 by Delegated.
- DA/941/2016: Integrated development for demolition of the Hanna Weisz Building at Emanuel School (Heritage Item). Approved: 17/05/2017 by Delegated.

### **PL/38/2019**

A pre-lodgement meeting was held with Council Officers on 6 November 2019 (PL/38/2019) which proposed replacement of the existing two storey Alder building with a new three storey building and corresponding modification of the Concept Staged Development Application for the site which had provided for the retention of the existing Adler Building. Issues raised included:

- Whether the application should be a modification or a new DA;
- Bulk and scale, and consistency with the existing streetscape;
- Amenity impacts including noise, overshadowing and view loss;
- Traffic and parking impacts;
- Heritage impacts, including the bulk and scale;
- Concerns from the Design Excellence Panel regarding bulk and scale, amenity and aesthetics.

### **Subject Development Application DA/40/2020**

The subject application was lodged with Council on 28 January 2020. The application was externally referred to Office of Environment and Heritage - Heritage NSW, Roads and Maritime Services and NSW Police, and was internally referred to Council's Heritage Planner, Development Engineer, Environmental Health Officer, Landscape Officer, Senior Building Surveyor and Randwick Design Excellence Panel.

Randwick's Design Excellence Panel considered the application at its meeting on 2 March 2020. The Panel raised a number of concerns with the proposal including:

- The location of the proposed building, and whether it was possible to relocate the additions, utilising the existing Kindergarten to the north;
- Concerns regarding the bulk and scale, resultant height, and compatibility with the streetscape;
- The loss of views into the site and to the heritage items;
- Inadequate setbacks to the street and insufficient landscaping.

The Council undertook a preliminary assessment and wrote to the applicant on 4 May 2020 to request amended plans and/or additional information. The matters raised included:

- Concerns regarding the bulk and scale, visual impact and streetscape presentation, noting that there are no specific planning controls or development standards for the purpose of an Educational Establishment;
- Specifically, concerns regarding the minimal setbacks to the street, overall height, and building facades which provided minimal articulation;
- Concerns regarding adverse impacts upon surrounding properties with regards to view impacts, including views into the site and to the existing heritage items, overshadowing, and visual and acoustic privacy.
- Concerns regarding the amenity of the proposed classrooms, noting that there were minimal window openings proposed.
- Comments of DEP;

- Comments from Heritage NSW which raised concerns regarding view loss, and the bulk and scale, including the impacts upon the setting of the adjoining former Laundry building;
- Comments from Council's Development Engineer which raised concerns regarding traffic and parking implications, including the lack of sufficient information to undertake a proper assessment, noting that no assessment of the current unauthorised student numbers and associated impacts has been undertaken.

On 21 May 2020 and 1 June 2020, meetings were held with Heritage NSW, Council and the Applicant to consider and discuss alternative design options.

On 10 July 2020, amended plans and additional information were submitted to Council in response to the letter sent on 4 May 2020 which involved the following:

- An amended design which includes the retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, and changes to windows / facades / landscaping;
- Amended/updated associated reports as follows:
  - Traffic Report;
  - Design Report;
  - BCA and Accessibility Report;
  - Heritage Impact Statement;
  - Acoustic Report.

The amended plans were re-referred to the relevant external bodies and Council Officers for comment and/or recommendation. The amended plans were also reported back to the Design Excellence Panel for comment and/or recommendation on 7 September 2020.

#### 4.0 The Proposed Development

The subject application is a Concept and Staged 1 DA which seeks approval for a staged development under Section 4.22 of the EP&A Act.

Specifically, concept approval is sought for a new masterplan. The masterplan provides for alterations and additions to the existing two (2) storey Adler Building in the south-western corner of the site with a three (3) storey learning building, and an increase in the maximum student numbers to 920. There are currently 827 students enrolled at the school and 60 students enrolled at the early learning centre (ELC). The proposal seeks to regularise the existing student enrolments which exceeds the conditions specified in the concept approval of DA/181/2009 (being a maximum of 725 students and 60 ELC places, totalling 785 students). While the applicant states there shall be no net increase in staff numbers, as previously outlined Council is aware that the current staff levels exceed that previously assessed under DA/181/2009 and therefore this has been considered in the assessment of the application.

The original application sought consent for the stage 1 works which comprised:

- Demolition of the existing two-storey Adler Building;
- Construction of a new three-storey replacement building comprising thirteen (13) classrooms, three (3) breakout areas, two (2) external terraces, four (4) smaller meeting rooms and nine (9) W/C; and
- Landscaping works.

In response to initial concerns raised by Council, an amended proposal was submitted which seeks to partially retain the existing Adler building and undertaken alterations and additions to the existing building comprising:

- Retention and re-use of the existing Alder building, involving construction of a new Second Floor level and additions at Ground Floor and First Floor level;

- New external materials and finishes on the building façade;
- A new pedestrian bridge connection at Second Floor level to the adjoining D&T building.

The building shall comprise nine (9) classrooms, two (2) break-out areas, three (3) meeting rooms, one (1) office, kitchen and toilet facilities.

## 5.0 Notification/ Advertising

The subject development was advertised and notified to surrounding landowners for a period of thirty (30) days between 13 February and 16 March 2020 in accordance with Council's Community Participation Plan. Subsequent to the original notification period, given the nature of the proposed development, an increased notification to the wider community was undertaken between 12 March and 15 April 2020.

Concerns were raised in submissions regarding the community consultation process, including the formal notification of the application. Any community consultation is undertaken in accordance with Council's Community Participation Plan which details how and when Council engages with the community, including in relation to planning matters and development applications. The application has been notified and advertised in accordance with the CPP. Furthermore, given the nature of the proposed development and likely impacts upon the surrounding community, in this instance formal written notification to surrounding property owners was extended to a wider area than required by the CPP. Any community consultation outwith the CPP would generally be undertaken by the Applicant/owner as a separate component. In this regard, Council strongly encourages Applicants to undertake community consultation to consult with local residents where applications are of a complex/sensitive nature or will significantly impact upon the wider community, however there is no legislative requirement for the Applicant to carry out any consultation.

As a result of the initial exhibition process, a total of forty-four unique (44) submissions were received from or on behalf of the following properties:

- 4 Astolat Street, Randwick;
- 1 Ethne Avenue, Randwick;
- 11 Ethne Avenue, Randwick;
- 1 Carter Street, Randwick;
- 3 Carter Street, Randwick;
- 5 Carter Street, Randwick;
- 10 Carter Street, Randwick;
- 17 Castle Street, Randwick;
- 29 Castle Street, Randwick;
- 2 Chepstow Street, Randwick;
- 4 Chepstow Street, Randwick;
- 10 Chepstow Street, Randwick;
- 12 Chepstow Street, Randwick;
- 14 Chepstow Street, Randwick;
- 77 Market Street, Randwick;
- 79 Market Street, Randwick;
- 91 Market Street, Randwick;
- 7 Monmouth Street, Randwick;
- 9 Monmouth Street, Randwick;
- 13 Monmouth Street, Randwick;
- 15 Monmouth Street, Randwick;
- 19 Monmouth Street, Randwick;
- 20 Monmouth Street, Randwick;
- 1/1a Stanley Street, Randwick;
- 10 Stanley Street, Randwick;
- 17 Stanley Street, Randwick;
- 23 Stanley Street, Randwick;
- 5/30 Stanley Street, Randwick;

- 6/30 Stanley Street, Randwick;
- 2/31 Stanley Street, Randwick;
- 3/31 Stanley Street, Randwick;
- 5/31 Stanley Street, Randwick;
- 6/31 Stanley Street, Randwick;
- 4 Stephen Street, Randwick;
- 11 Stephen Street, Randwick;
- 30 Stephen Street, Randwick;
- 34 Stephen Street, Randwick;
- 3 Waverley Street, Randwick.

Additionally, a signed petition was submitted with 63 signatures in opposition to the proposed development, and a change.org petition was submitted with 204 signatures as of 12 August 2020.

The submissions raised concerns with regards to the following:

Issues	Comments
<p><b>Master Planning and Future Use of the Site</b> Concerns regarding the proposed masterplan including the following: The application indicates continued growth of the school and the proposal is an incremental piece meal to development on the tightly constrained site. Concerns regarding impacts of master plan on numbers, classrooms, traffic, streetscape etc. The masterplan suggests that future works may occur at the site, submission notes a request for masterplan and future intentions to be shared with the community. There is no justification for changes to the approved masterplan. Exceeds height and number of storeys of approved masterplan. School should consult with the community regarding any future plans and development on the site.</p>	<p>A new masterplan has been submitted with the application to seek concept approval for a three (3) storey built form within the south-western corner and an increase in student numbers. The applicant has advised that the increase to the existing capacity of the school is to allow for student enrolments within the last few years which exceeds that previously approved and to allow for an increase in student numbers in the following years.</p> <p>The applicant acknowledges the constraints of the site and advises that there is unlikely to be any future increase and/or amendment to the proposed masterplan. As such it is anticipated that there shall be no further changes required to the proposed masterplan. An assessment of the proposed built form (which reflects the proposed masterplan) has been undertaken and is considered to be acceptable. Furthermore, an assessment of the increase student numbers has also been undertaken in regards to amenity, traffic and parking impacts upon the local area which subject to the recommendations within the report is also supported.</p>
<p><b>Heritage</b> Concerns regarding the impact upon the heritage significance of the site including the following: Unacceptable impacts upon heritage significance of the site and North Randwick Heritage Conservation Area. Compatibility and relationship to heritage items on site. Inconsistency with heritage area with regards to proposed built form. Loss of heritage value of the site. Concerns regarding damage to Heritage items which should be maintained. Heritage report does not address the North Randwick Heritage Conservation Area.</p>	<p>The application was referred to Heritage NSW and Council's Heritage Planner for review and comment. In response to initial concerns raised by both parties, an amended proposal was submitted. Heritage NSW and Councils heritage Planner raise no objection to the amended proposal, subject to recommended conditions of consent and General Terms of Approval. See detailed comments under section 6.3 and 6.5 of report.</p>
<p><b>Community Consultation</b> Concerns regarding the level of notification to</p>	<p>The subject application was advertised and notified in accordance with Council's Community</p>



Issues	Comments
<p>surrounding streets and whether consultation has been undertaken in accordance with Council's Community Participation Plan. Concerns regarding the lack of community consultation with and from the school.</p>	<p>Participation Plan. See further discussion under section 5.0 of report.</p>
<p><u>Breach of Development Consent and Increase in Student numbers</u> Concerns regarding the breach of existing development consent in relation to student numbers. The actions of the school to date regarding disregard to conditions of consent, and history of non-compliance with consents. Request for Council to take immediate action against the school in relation to the breach. No justification has been given for the increase, noting that it is not a local school and houses students from outside the Randwick area. Request for annual records to be provided to Council to ensure compliance with any specified student numbers and school to demonstrate student numbers.</p>	<p>See discussion under section 8.3 of report.</p>
<p><u>Traffic and Parking</u> The submitted information and Traffic Report does not adequately address the entire local traffic network nor assess bus management. There are inaccuracies and discrepancies within the report and the report is insufficient. Concerns regarding the management of increased students and associated traffic and parking. Request for Council to introduce additional parking restrictions and schemes such as resident parking within the school vicinity. There are existing issues with regards to traffic generation and congestion, and parking including illegal parking in association with the school traffic, and the existing situation will be exacerbated. Existing infrastructure cannot support increase in numbers. No additional on-site parking is provided for the increase in students and proposal will rely on on-street parking. Concerns regarding Construction Traffic and associated impacts, including the use of heavy vehicles and the management of construction Concerns regarding pedestrian safety in relation to increase traffic congestion. Concerns regarding the behaviour of school users including parents and students, with particular regards to illegal parking. Out of hour events and associated parking and traffic impacts. Concerns regarding schools commitment to addressing parking and traffic concerns School offers no alternative transport modes. Request for school buses to only travel along Avoca Street.</p>	<p>The application was referred to Council's Development Engineer Coordinator and Roads and Maritime Services for comment on the traffic and parking implications of the proposed development. An independent assessment of the traffic and parking has been undertaken by Council's Development Engineer Coordinator (see detailed discussion under sections 6.1 and 8.1 of the report) and the RMS are also in support. Subject to the recommendations within the report, the proposed development is not considered to result in any unreasonable impacts upon the local area with regards to traffic and parking.</p>



Issues	Comments
Concerns regarding the lack of a dedicated off-street bus drop-off in accordance with the RTA Guide to Traffic Generating Development guidelines.	
<u>Built Form</u> Concerns regarding the proposed built form including: Concerns regarding the visual impact of the development which shall be visually obtrusive and dominating. The increase bulk shall result in adverse visual impact when considering the recent developments on site. Inadequate setbacks to permit landscaping. Concerns regarding proposed height and additional storey with no planting to screen the development. Concerns regarding the proposed height and resultant overshadowing. Concerns regarding the three storey nature of building. The modern building shall be out of character with area and inconsistent with the style of surrounding residential heritage area. Materials should be sympathetic to heritage area. Proposed height and number of storeys exceeds that stipulated by the previously approved masterplan. Poor representation of visual impact upon streetscape. Lack of articulation to building facades The height is excessive. Lack of a stepped building to minimise visual bulk.	An amended design has been submitted in response to initial concerns raised by Council, the Design Excellence Panel and Heritage NSW, as well as in response to submissions. As discussed further in the report the proposed built form as amended is considered to be acceptable from both a design and heritage perspective. See discussion regarding the merits of the built form further in report.
<u>View loss</u> Concerns regarding views into the site and heritage items from the public domain and adjacent properties.	See discussion in section 8.3 of report.
Concerns regarding overshadowing as a result of the proposed development.	See discussion in section 8.3 of report.
The development results in an overdevelopment of the site which has reached capacity.	It is acknowledged that the site is highly constrained due to the existing buildings and heritage significance, and as such further development must be considered appropriately. The proposed built form is considered to be an acceptable response to the existing and future context of the area. Subject to the recommendations within the report, the increase in student numbers is not considered to warrant refusal of the application and therefore the proposed development can be supported in this instance. It should be noted that each Development Application must be assessed on its own merits and any further development of the site would need to be assessed accordingly.
Concerns regarding visual and acoustic privacy from the proposed development.	See discussion in section 8.3 of report.
<u>Landscaping</u> Lack of landscaping and increased built form and	An amended proposal has been provided which partially retains the existing Adler building.

Issues	Comments
resultant visual impact. Request for planting of trees within the street to be undertaken by the school. Tree removal and impacts upon the natural environment.	Landscaping within the site shall be enhance through new plantings. See comments from Council's Landscape Officer for further detail.  The identified street trees are not proposed under the subject application and would be implemented by Council at a later stage. As such the street trees on Stanley Street have not been relied upon in the assessment of the built form.
Night-time light spillage from the proposed development.	Conditions of consent shall be imposed to ensure the proposed development shall not result in any adverse impacts upon neighbouring residential properties with regards to environmental protection, including the use of any external lighting in the development.
Concerns regarding the construction of the development and associated impacts including noise, dust, pollution and parking.	Appropriate conditions of consent shall be imposed with regards to the construction process to ensure impacts upon the surrounding properties is minimised.
Demolition of the Adler building which demonstrates poor cost and sustainability practices.	An amended proposal has been submitted which seeks to retain and re-use the existing Adler building.

## 5.1 Re-notification

Amended plans in response to concerns raised by Council were submitted by the Applicant on 10 July 2020. The amended plans generally resulted in a reduction to the overall bulk and scale of the development, however the proposed amendments involved an alternative concept which sought to retain the existing Adler building, and provide alterations and additions rather than demolition of the existing building. It was considered that the proposed amendments may result in additional impacts upon neighbouring properties and as such the amended plans were formally re-notified to surrounding properties for a period of fourteen (14) days from 30 July through to 18 August 2020. As a result of the re-notification process an additional forty (40) submissions were received from or on behalf of the following properties:

- 18 Avoca Street, Randwick;
- 51 Earl Street, Randwick;
- 61 Earl Street, Randwick;
- 11 Ethne Avenue, Randwick;
- 3 Carter Street, Randwick;
- 5 Carter Street, Randwick;
- 5 Castle Street, Randwick;
- 21 Castle Street, Randwick;
- 2 Chepstow Street, Randwick;
- 10 Chepstow Street, Randwick;
- 14 Chepstow Street, Randwick;
- 77 Market Street, Randwick;
- 79 Market Street, Randwick;
- 91 Market Street, Randwick;
- 13 Monmouth Street, Randwick;
- 15 Monmouth Street, Randwick;
- 19 Monmouth Street, Randwick;
- 20 Monmouth Street, Randwick;
- 2/6 Stanley Street, Randwick;
- 17 Stanley Street, Randwick;
- 2/30 Stanley Street, Randwick;
- 5/30 Stanley Street, Randwick;

- 5/31 Stanley Street, Randwick;
- 5 Stephen Street, Randwick;
- 7 Stephen Street, Randwick;
- 8 Stephen Street, Randwick;
- 11 Stephen Street, Randwick;
- 16 Stephen Street, Randwick;
- 6/30 Stephen Street, Randwick;
- 11 Waverley Street, Randwick.

The submissions from the adjoining properties maintained concerns with regards to visual impact, amenity impacts, traffic and parking, and the increase in student numbers. The submissions raised concerns with regards to the following:

Issues	Comments
<p><u>Breach of Development Consent and increase in Student Numbers</u></p> <p>Breach of existing development consent in relation to student numbers and actions of the school to date regarding compliance with relevant conditions of consent.</p> <p>Concerns regarding future breach of student numbers given the actions of the school to date.</p> <p>Action by Council regarding the proposed breach.</p> <p>It is considered that the school has reached capacity for the site.</p> <p>There should be no increase in student numbers, existing numbers should be subject to review and in line with previous approval.</p> <p>Concerns regarding the level of development and built form proposed compared with the minor increase to students of 33, and potential for additional students.</p> <p>No justification for increase in student numbers.</p>	<p>See discussion under section 8.3 of report.</p>
<p><u>Traffic and parking</u></p> <p>The Traffic Assessment and RFI response do not accurately reflect the current situation, nor adequately address the traffic and parking concerns. The report contains inaccuracies and insufficient assessment.</p> <p>Concerns regarding existing illegal parking and this being exacerbated.</p> <p>Recommendation that the school should use management plan to reduce traffic and parking demand.</p> <p>Concerns regarding the behaviour by school users, including parents and student which is unacceptable, including illegal parking and blocking of access to properties.</p> <p>The lack of complaints do not indicate there is no issue.</p> <p>Surrounding residences do not have off-street parking and therefore street parking is heavily relied upon by local residents.</p> <p>Parking impacts associated with out of hours activities is a concern, advising residents does not address the issue.</p> <p>The area cannot handle the current vehicle and foot traffic and the proposal shall worsen this.</p>	<p>The application was referred to Council's Development Engineer Coordinator and Roads and Maritime Services for comment on the traffic and parking implications of the proposed development. An independent assessment of the traffic and parking has been undertaken by Council's Development Engineer Coordinator, see detailed discussion under sections 6.1 and 8.1 of the report. Subject to the recommendations within the report, the proposed development is not considered to result in any unreasonable impacts upon the local area with regards to traffic and parking.</p>

Issues	Comments
<p>Public safety concerns including pedestrian safety as a result of traffic associated with the school.</p> <p>Non-compliance with RDCP 2013 in relation to parking.</p> <p>Lack of resident parking schemes and request for Council to implement additional measures in relation to parking restrictions.</p> <p>A green travel plan is unrealistic due to non-local children attending the school.</p> <p>Council surveys of residents in relation to resident parking schemes have not been undertaken, and Council does not conduct regular parking enforcement.</p> <p>A combined traffic assessment in consideration of other schools within the vicinity should be undertaken.</p> <p>Traffic report should be undertaken by objective third party.</p> <p>The school should provide private bus service for students.</p> <p>Concerns regarding traffic information to be provided prior to occupation certificate rather than with the development application, including the requirement for an operational and access management plan which should be provided prior to da approval. Scope for Council to request for this to consider the wider area and not only drop off and pick times.</p>	
<p><u>Overshadowing</u></p> <p>Concerns regarding additional overshadowing as a result of the increased height and bulk.</p>	See discussion in section 8.3 of report.
<p>Night-time light spillage from the proposed development.</p>	Conditions of consent shall be imposed to ensure the proposed development shall not result in any adverse impacts upon neighbouring residential properties with regards to environmental protection, including the use of any lighting in the development.
<p><u>Built form</u></p> <p>Concerns regarding the visual impact of the development including:</p> <p>Dominance of the building when combined with the existing development.</p> <p>Concerns regarding built form and lack of landscaping to screen the development.</p> <p>Height of the Adler building.</p> <p>Retention of 3 storeys within the south-western corner rather than 2 storeys, which is not in keeping with existing buildings.</p> <p>Colour scheme should be neutral to be compatible with the existing sandstone buildings.</p> <p>The proposed development shall be visually obtrusive.</p> <p>Perspectives appear inaccurate.</p> <p>Larger setbacks should be provided to allow for landscaping.</p>	An amended design has been submitted in response to initial concerns raised by Council, the Design Excellence Panel and Heritage NSW. As discussed further in the report the proposed built form as amended is considered to be acceptable from both a design and heritage perspective. See discussion regarding the merits of the built form further in report.
<p><u>Heritage</u></p> <p>Concerns regarding compatibility with heritage significance on site.</p>	The application was referred to Heritage NSW and Council's Heritage Planner for review and comment. In response to initial concerns raised

Issues	Comments
Concerns regarding heritage views which are compromised by the bridge.	by both parties, an amended proposal was submitted. Heritage NSW and Councils heritage Planner raise no objection to the amended proposal, subject to recommended conditions of consent and general terms of approval. See detailed comments under section 6.3 and 6.5 of report. The proposed bridge has been designed as an open and light-weight structure to enable views to be maintained into the site. Heritage NSW raised no concerns with the amended proposal in regards to view loss.
<u>Community Consultation</u> Concerns regarding the lack of community consultation by the school, which has not been undertaken. Concerns regarding lack of community consultation from both Council and the school. Covid is not an excuse for lack of consultation. Request for community mediation. Refusal to consult with community shows lack of concern from school.	The subject application was advertised and notified in accordance with Council's Community Participation Plan. See further discussion under section 5.0 of report.
Concerns regarding visual and acoustic privacy	See discussion in section 8.3 of report.
<u>Landscaping</u> Concerns regarding reliance on street tree planting which is indicated in the 3d montages. Council has not confirmed that street trees shall be planted.	The identified street trees are not proposed under the subject application and would be implemented by Council at a later stage. As such the street trees on Stanley Street have not been relied upon in the assessment of the built form.
The school is currently not managing problems associated with the existing use.	It is recommended that the school establish a Community Liaison Committee which shall assist in providing effective communication between the school and the community with regards to the operation of the school, including any issues.
<u>Stormwater Management</u> Submission identifies that there is an existing issue with stormwater and overflow onto adjoining priorities and lack of action by School and Council. Concerns regarding stormwater management as a result of the proposed development and potential adverse impacts.	It is considered that the existing issue is a civil matter between residents and the school and outwith the scope of this application. However, the subject application can consider any drainage implications as a result of the proposed development and ensure appropriate measures are put in place with regards to stormwater management. Conditions of consent shall be imposed for detailed drainage plans to be provided at the Construction Certificate stage to ensure compliance with the relevant provisions of the Building Code of Australia and any applicable standards.
<u>Streetscape</u> The proposed addition is not in keeping with the surrounding area or heritage area. Proposed bridge-link is an unsightly addition and inappropriate.	The amended application was referred to Randwick Design Excellence Panel, Heritage NSW and Council's Heritage Planner who raised no objection to the proposed development, including the streetscape context of the proposal. An amended material scheme was provided to reflect a more appropriate colour palette which would be consistent with the surrounding heritage conservation area, including the use of terracotta brick/tiles. The existing building shall be upgraded due to the proposed works and as such the streetscape shall be enhanced.

Issues	Comments
	The proposed bridge-link is to facilitate direct access to the D&T building and provide better amenity for students. The design of the bridge was driven by comments provided by Heritage NSW who raised no objection to the proposed design.
Lack of addressing residents' concerns in the amended plans.	Concerns raised in submissions have been considered in the assessment of the report and conditions of consent applied where appropriate.
<u>Overdevelopment of the site</u> Concerns regarding the cumulative impact and result of several separate DAs for the built form and inconsistency with the masterplan for the site.	Development on site has been undertaken in accordance with the approved masterplan under development consent DA/181/2009 with the exception of the number of students. The proposed concept plan seeks to amend the masterplan as part of a new concept application to allow for an increased built form within the south-western corner only. Any future development of the site above that proposed under the current application would be subject to another new amended masterplan and would be considered on its own merit. Detailed consideration of the increased built form and student numbers has been assessed in the current application and considered to be acceptable in this instance.
Acoustic impacts including from open walkway.	See discussion in section 8.3 of report.
Safety concerns regarding open areas on the upper levels.	The architectural design response advises that the proposed development has been designed with safety as a key priority with the use of double glazed windows and toughened glass to ensure the safety of occupants. All open areas are orientated to the interior of the site to maximise safety.
An updated SEE has not been provided in relation to the amended plans, noting that this is the only document that describes the changes to the masterplan.	A detailed response was provided with regards to the Request for Information and the amended application. The amended response was considered to be sufficient to undertake the assessment of the application. The amended proposal did not seek to change the proposed number of students with only minor changes to the building envelopes for the Adler building proposed.
The amended proposal should include a structural engineers report to ensure the existing building is adequate to accommodate the proposed additions.	A condition of consent is recommended for structural certification to be provided prior to the issue of a Construction Certificate, which is common practice for any upper storey additions.
Concerns regarding the massing architectural drawings and potential footprint extension for the 3 <sup>rd</sup> level.	The proposed massing drawings are consistent with the footprint of the existing and proposed development. The massing elevations identify a setback at the upper level to ensure consistency with the proposed built form.

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



## 6.0 Technical Advice: Internal and External

### Internal Referrals

#### 6.1 Development Engineer and Landscape Officer

The application was referred to Council's Development Engineer Coordinator for comment and/or recommendations who provided the following advice in relation to the amended proposal:

##### **General Comments**

Council is in receipt of a development application seeking consent for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping.

Notwithstanding the application seeks to increase student numbers from 785 to 920 the current student population is 887 students and 138 fulltime equivalent staff. Any approval for this application will therefore increase student numbers by 33 students above current numbers, the application states that there will be no increase in fulltime equivalent staff, however it is acknowledged that there has been an increase in staffing from the previous 97 to 138. **Whilst the applicant has stated that an increase of 33 students is reasonable on traffic and parking related considerations there has been no assessment of the current student / teacher population. Council must be satisfied that an increase in student numbers of 135 and the existing staff numbers is supportable.**

Standard drainage conditions have been included within this report and detailed landscape conditions are also included.

There are no civil works required on public land as part of this application.

##### **Drainage Comments**

On site stormwater detention is required for the redeveloped portion of the site.

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

The stormwater must be discharged (by gravity) either:

- i. Directly to the kerb and gutter along a frontage to the subject site in Stanley Street or Chepstow Street; or
- ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

##### **TfNSW (RMS) Comments and Recommended Conditions**

The application was externally referred to Transport for NSW (formally Roads and Maritime Services) for comment and/or recommendation. A response was provided from Transport for NSW on 17 March 2020 in which no objection was raised to the proposed increase in student numbers (from 725 to 920) subject to the following requirements:

1. The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.

*Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.*

2. *Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.*

*The student catchment area and travel data provided to TfNSW will assist with future service planning.*

3. *As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.*
4. *It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.*
5. *The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

***The Assessment Planner is requested to include the TfNSW conditions.***

#### ***Traffic and Parking Comments***

*The subject site currently provides for nineteen (19) off-street parking spaces. The proposed development seeks to increase the capacity of the school by increasing the number of students, however no additional parking is provided on site. A Traffic Assessment has been submitted with the application. Council's Development Engineer Coordinator has considered this report and looked at the traffic and parking impacts of the proposed development.*

*The subject site is highly constrained by the location of existing buildings on site and limited landscaped areas, and the heritage significance of the site. As such the ability to provide additional on-site parking is restricted and would be problematic. Furthermore, the provision of on-site parking would require extensive excavation, or result in a reduction to integral landscaping on the site or outdoor recreation space which would adversely impact upon the amenity of the school. Subject to the recommendations within this assessment report, which requires detailed management plans in relation to the operation of the school and associated traffic impacts (OTMP), a green travel plan, commitment from the school to ensure no net increase in private vehicles and the implementation of a Community Liaison Committee, (CLC), the proposal is not considered to result in any unreasonable impacts upon the local area. The establishment of a CLC, preparation of an OTMP and compliance with TfNSW requirements are likely to have a positive impact on parking and traffic conditions in the vicinity of the school. Note: this report has prepared proposed conditions relating to the CLC and OTMP, (conditions 5-8 inclusive).*

*Notwithstanding the application seeks to increase student numbers from 785 to 920 the current student population is 887 students and 138 fulltime equivalent staff. Any approval for this application will therefore increase student numbers by 33 students, the application states that there will be no increase in fulltime equivalent staff. However, while the Applicant states that*

there shall be no increase in staff numbers (to that which currently exists), Council acknowledges that there has been an increase in staff numbers to the previously assessed development which provided for 97 staff members under DA/181/2009. It should be noted that there was no condition of consent restricting the number of staff members under DA/181/2009 which only related to student numbers. The increase in student population above current levels comprises 20 kindergarten to Year 6 and 13 Year 7 to Year 12. The additional traffic generation associated with the increase of 33 students will not impact on the service level of any intersections in the vicinity of the site.

As stated above, however, Council has to be satisfied that the increase of the student population from the current approved 785 students to the proposed 920 (an increase of 17.2%) is reasonable and supportable on traffic and parking considerations. Additionally, consideration of the increase in staff numbers must also be supportable. The school has failed to adhere to previous established student numbers and this development application is a chance to put in place measures that minimise the impact of increasing student numbers on traffic conditions in the streets surrounding the school. With regards to staffing, the Traffic Impact Statement assesses the full time equivalent staff numbers against current staffing levels of 138 staff, and determines that there is sufficient on-street parking within the vicinity of the site for the existing staff levels. It is recommended that the School implement a Community Liaison Committee and prepare an Operational Traffic Management Plan with the primary aim to reduce private vehicle parking and trips to the school. The implementation of TfNSW recommendations and the successful establishment of both a CLC and OTMP, (with identified aims and measurable outcomes) should minimise the impact of the significant student and staff population from the previous approved figure.

The Assessment Planner is requested to include suitable conditions capping the student numbers at the proposed 920.

Standard construction traffic management plan (CTMP) and works zone conditions have been included in this report. Council will ensure that the approved CTMP minimises the impact on local streets of any construction traffic.

Council undertakes online surveys of residents in the RA6 Residential Parking Scheme Area, (area surrounding the development site) to determine if sufficient support exists to implement a resident parking scheme / zones. If the surveys indicate support for implementation of the scheme resident parking zones will be installed.

### **Service Authority Comments**

Section 3 Part F5 of Council's DCP 2013 states;

- i) All overhead service cables, including power lines, telecommunications cables and associated infrastructure on the development site and in the street/s immediately adjacent to the development are to be placed underground in accordance with the requirements of the relevant power supply authority, at the applicant's cost where:
  - the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial commercial or industrial development.
  - there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.
- ii) If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.

The subject is **not** subject to this clause.

### **Undergrounding of site feed power lines**

At the ordinary Council meeting on the 27<sup>th</sup> May 2014 it was resolved that;

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

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

### **Waste Management Comments**

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

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

### **Landscape Comments**

#### **Tree Management Comments**

The submitted Arborists Report has assessed four (4) trees as potentially being impacted by this application, with T53, a mature, 6m tall *Agonis flexuosa* (Willow Myrtle) on the Chepstow Street verge, to the west of the Adler Building, being the only specimen on public property, with the only conditions required being those that allow minor clearance pruning of its eastern aspect, where it overhangs the fence into the site, and given the amount involved, will not impact this tree in anyway, with the relevant consent for this provided.

Within the subject site, in the southern side setback, fronting Stanley Street, there is a mature, 12m tall *Melaleuca quinquinervia* (Broad Leafed Paperbark, T7) of good health but fair condition due to its co-dominant leaders, with its ability to soften the visual bulk of these multi-story buildings on the streetscape giving it a presence in the immediate area, with the Arborist Report assigning it a 'high amenity value'.

Its restricted growing environment, including a concrete footpath and the existing building to its north, as well as the masonry fence to its south, would have all affected normal, radial root growth, with several large limbs also having been pruned off in the past for clearance reasons.

The majority of the D & T Building footprint remains unchanged, and while it is not clear on these amended plans whether a building pylon and pier drilled footing will still be required at its western end, previously at an offset of 6.9m, which while outside of its SRZ, would have encroached its TPZ; due to the existing site conditions, combined with the generous setback, this tree should not be threatened in anyway, so can be retained, with site specific conditions provided.

Still within the site, further to the north, within the existing landscaped terrace area, there are a further two mature trees, comprising a *Schinus areira* (Peppercorn Tree, T51), then to its south, on slightly higher ground, a *Casuarina glauca* (She-Oak, T52), which contribute to site amenity through the functions of identifying as landscape features, as well as providing shade for school users.

Both the plans and Arborist Report show only minimal works in this area, that would not affect either tree, so only general, precautionary type conditions need to be imposed.

The amended Landscape scheme shows a level of detail that will result in a high quality outcome for school users, with conditions requiring its full implementation as part of any approval.

## 6.2 Environmental Health Officer

The application was referred to Council's Environmental Health Officer for comment and/or recommendations who provided the following advice in relation to the amended proposal:

### Land Contamination

*A preliminary Stage 1 Environmental Site Assessment prepared by JK Environments dated 7<sup>th</sup> November 2019 was submitted with the development application.*

*The report states that the contaminants of potential concern identified at the site pose a threat to the receptors, however, the site can be made suitable for the proposed development provided the recommendations are implemented to address data gaps and to better characterise the risks.*

*The following recommendations were made:*

- 1. Prepare a detailed site investigation*
- 2. Undertake a hazardous materials assessment for the existing buildings prior to the commencement of demolition work.*

*The Building Regulatory team will provide relevant conditions related to asbestos. Based on the reports received and recommendations made, appropriate conditions in relation to contamination, remediation and validation have been included in this referral.*

### Acoustic Amenity

*A qualitative acoustic review prepared by Wilkinson Murray dated 18 December 2019 was submitted with the development application. The report confirms detailed selection of plant is required prior to finalisation. The report concludes project specific noise criteria can be achieved.*

*An additional report from Wilkinson Murray assesses the amendments and confirms additional students will not alter existing environment based on previous numbers.*

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

Council's Environmental Health Officer provided a series of recommended conditions of consent to be imposed should the application be approved.

## 6.3 Heritage Planner

The application was referred to Council's Heritage Planner for comment and/or recommendations who provided the following advice:

### **The Site**

*The Emanuel School site is listed as a heritage item under Randwick LEP 2012 and is occupied by three heritage items, "Aston Lodge" (1864), and the former Little Sisters of the Poor Chapel (1921) and Novitiate (1936). The site is also listed on the State Heritage Register. The Statement of Significance included in the State Heritage Register listing makes reference to the unique complex of buildings and grounds and the landmark value of the site, as well as the historic and social associations of the site with the early development of the Randwick area and with the Little Sisters of the Poor. To the west of the site on the opposite side of Chepstow Street is the North Randwick heritage conservation area. The Statement of Significance for the hca notes that "the heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings."*



### **Approvals**

As the site is listed on the State Heritage Register, any development generally needs to be the subject of an Integrated Development Application or a separate prior application under S.60 of the Heritage Act.

### **History**

A number of heritage and conservation documents have previously been prepared for the site to accompany previous development applications for the site including:

- 1999 Draft Conservation Management Plan prepared by Clive Lucas Stapleton and Partners
- 2002 Draft Conservation Management Plan prepared by Mayne Wilson and Associates

### **Background**

DA/181/2009- a Concept Staged Development Application which provided a Master Plan to identify anticipated current and future development on the site was approved in February 2011.

PL/38/2019 proposed replacement of the existing two storey Adler building with a new three storey building and corresponding modification of the Concept Staged Development Application for the site which had provided for the retention of the existing Adler Building.

The original DA/40/2020 sought development consent for a new masterplan for the site providing for the replacement of the existing two storey Adler Building in the south-western corner of the site with a new three storey learning building. Consent was also sought for Stage 1 and the detailed design of the redevelopment of the Adler Building within the development parameters of the masterplan.

The proposed building generally comprised classroom and breakout areas, connected to the existing D and T building at first and second floor level, with a ground floor undercroft below this link. As compared to the pre-lodgement proposal, the original development application somewhat enlarged proposed building footprint and building envelope.

Heritage concerns were raised by Council's Heritage Planner that the projecting breakout areas at ground and first floor level, and roofed terrace above would impact on the setting and visibility of the front elevation of the former Laundry building which is of Moderate significance; and that the partial view towards Aston Lodge and the south west corner of the former Chapel from the north in Stanley Street, would be blocked by the proposed building, reducing the ability for the public to appreciate the former Chapel building.

Heritage concerns were also raised by Heritage NSW and a meeting was held, attended by all parties, to discuss these issues, and a further meeting was held to discuss design options to address these issues. Amended drawings have now been received to which these heritage comments relate.

### **Proposal**

As compared to the original plans, the current plans have retained the existing Adler Building in conjunction with alterations and additions comprising a new third level and a ground floor extension to the existing D and T building. A bridge connection is also proposed to the D and T building at third floor level. The current plans propose to provide breakout areas at ground and first floor level filling in the north east corner of the existing L-shaped building. The upper level terraces proposed in the original plans have been deleted and the building footprint has been reduced.

### **Submission**

The original plans were accompanied by a Heritage Impact Statement prepared by City Plan Heritage. The current plans are accompanied by an Addendum to Heritage Impact Statement, also prepared by City Plan Heritage.



### **Heritage Impact Statement**

The Heritage Impact Statement included a Historical Overview, Assessment of Significance and Heritage Impact Assessment. The HIS addressed the heritage and conservation documents listed above under Background, as well as

- Emanuel School 20 Stanley Street, Randwick Archaeological Assessment and Aboriginal Cultural Heritage Assessment, by City Plan Heritage, 2011;
- The Emanuel School Randwick, Site Conservation Study by Neustein and Associates, DM Taylor Landscape Architects Pty Ltd, Rod Howard Heritage Conservation Pty Ltd in June 1997.

The HIS provides a detailed description and history of the Adler building, noting that:

*The Adler Building was constructed in the c.1970s and later modified in c.1985 and c.1997 when balconies were added, and a second storey was constructed to the east-south wing.*

The HIS provides the following Statement of Significance for the Adler building:

*The Adler Building at the site of the Emanuel School in Randwick dates from the c.1970s and is a typical example of a school facility dating from this period with no particular reference to an architectural style. Although it is located on the site of the old men's quarters, constructed in 1929, the site has a low potential for evidence of this building. The building is also not considered of particular aesthetic or representative significance. As such, the Adler Building is not considered of sufficient significance to be considered as an important element within the heritage listing of the entire Emanuel School site and as such does not warrant heritage listing on a statutory instrument. The Adler Building has also been ranked as a building of "none" heritage significance in the 1999 CMP.*

*The HIS includes a View Analysis which refers to comments on significant views to and from the site which were identified in the 1999 and 2002 CMPs. The HIS provides a view analysis for external views- from the corner of Stanley and Chepstow Streets, from Chepstow Street, from Avoca Street, and for internal views- north towards the former Aston Lodge and Chapel, and south from the former Chapel. The HIS notes that:*

*The proposed new Adler building retains the approach of keeping the new buildings at the perimeter of the site replacing the existing building and maintaining all internal visual links with the core heritage buildings as well as any existing distant views to the site.*

The HIS concluded that:

*The view north from between the existing Adler Building and the D & T Building (View 1b) which has the potential to be impacted by the proposal is a secondary view with limited accessibility and as such does not hold significance as a vista or corridor similar to those aspects identified in the 1999 CMP summarised at the beginning of section 5.1 above. The more significant views that were identified in the CMP will not be affected by the proposed new Adler building as its location at the corner of Stanley and Chepstow Streets is isolated and distant from the key visual corridors and vistas to the historic core of the Emanuel School site.*

*In relation to archaeology, the HIS notes that as no archaeological investigation has been undertaken for the area, the presence of underground structures or artefacts cannot be completely discounted, but that due to the significant earthworks involved in the construction of the Adler Building, it is less likely than the unbuilt areas around the building to contain archaeological remnants. An investigation of the Aboriginal Heritage Information Management system suggests that no impact on a known Aboriginal place of significance is anticipated.*

The HIS addressed the heritage provisions of Randwick LEP 2012, Randwick DCP 2013, Conservation Policies contained in the 2002 CMP and NSW Heritage Division guidelines for Statements of Heritage Impact. In relation to Controls in the Heritage section of Randwick DCP 2013, the HIS argued that the proposal is detached the historic core and physically detached from areas or fabric identified as being of high or exceptional significance. The HIS argued that the contemporary design of the proposed new Adler Building is appropriate, and that its scale and bulk was compatible with the heritage significance of the site and overall streetscape within this part of the Randwick North HCA.

The HIS concluded the proposed works, involving the demolition of the existing Adler Building and the construction of a new building in a similar footprint would have an acceptable impact on the heritage significance of the subject site, the North Randwick HCA or the nearby heritage items, and that the proposal demonstrates compliance with the controls regarding heritage conservation. The HIS recommended a brief archival record of areas implicated by the works prior to the demolition of the existing Adler Building.

### **Addendum to Heritage Impact Statement**

The Addendum to Heritage Impact Statement responds to concerns raised by Heritage NSW and Council's Heritage Planner. The Addendum argues that the proposed building:

*will have an appropriate scale, bulk and characteristics that will fit well within its mixed traditional and modern context. It will ensure the existing setting and curtilage around the former laundry building and historic core of the site are retained and complemented as well as maintaining a visual connection to the site from Stanley Street.*

The Addendum concludes that:

*the amended final design responds adequately to the concerns raised by the officers of the Heritage NSW and the Randwick City Council and demonstrates compliance with the existing controls regarding heritage conservation and is therefore recommended to Council for approval.*

The HIS similarly recommends a brief archival record of areas implicated by the works.

### **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 LEP 2012 requires Council to consider that effect of a proposed development on the heritage significance of the heritage item.

### **Comments**

#### **1999 Conservation Management Plan**

The 1999 CMP provides Conservation Guidelines for the site in relation to:

- Treatment of Fabric
- Interpretation of Place
- Use of Place
- Intervention, Adaptation and New Buildings and Additions
- Conservation Management Procedures
- Adoption and Review of Conservation Guidelines

#### **Changes to existing Adler building generally**

The Adler building is located adjacent to the corner of Stanley Street and Chepstow Street, with the Kindergarten building to the north on Chepstow Street (former Laundry) and the D and T building to the east on Stanley Street. The Adler building is a two storey L-shaped building with light brick walls, aluminium windows and a tiled roof.

In relation to Treatment of Fabric, (Guideline Recommendation No.1.4) Clive Lucas Stapleton and Partners CMP states:

Define significant fabric generally as:

- the landform of the place;
- landscape, building and site feature items introduced to the place prior to 1945.;
- subsurface remains (if any) of former landscape, building and site features introduced prior to 1945.

The 1999 CMP provides an estimated construction date, description and historical background for each of the building on the site. For the Adler School, the CMP provides a construction date of the 1970s, with alterations in c.1985 and c.1997 with addition of balconies and rebuilding of the south east wing with a second storey. In terms of Historical Background, the CMP notes that the building is believed to have been constructed by the Little Sisters of the Poor for aged care 'hostel' type accommodation, and know at this time as Marian Lodge. A photograph of Marion Lodge is included in Appendix A of the CMP (which corresponds to Council's historic aerial photographs).

The existing Adler building is sympathetic in scale and form with the adjacent two storey buildings in the heritage conservation area. The adjacent 1929 Laundry building to the north is single storey in scale, while 1860s Aston Lodge to the north east is two storeys. The more recent D and T building to the east is partially two and partially three storeys. The 2002 CMP identifies Aston Lodge as being of Exceptional significance, and the former Laundry building and the boundary wall as being of Moderate significance.

In relation to Intervention, Adaptation and New Buildings and Additions (Guideline Recommendation no.4.3), the Clive Lucas Stapleton and Partners CMP states:

Permit new buildings and additions to existing buildings providing the proposal is cognisant of the existing built environment.

Discussion of this guideline notes that:

A substantial amount of development is possible within the Place but it follows from the history and architectural character of the site that such development should be an extension of the historic pattern of growth. This pattern is essentially urban and not suburban. There is also a clear precedent on the site that new buildings have direct functional links with the existing buildings and existing walls. There is scope for new buildings to be higher than the existing boundary wall by one or one and a half storeys to Chepstow Street and perhaps more to Stanley Street. There is also a precedent for differing standards of materials use in construction which should be considered in new work: high finish materials for important elevations, and common brick for the minor buildings.

There are no heritage objections to the proposed changes to the existing Adler building at ground, first and second floor level (Level 1, Level 2 and Level 3). The Adler building dates from the 1970s with subsequent alterations and additions, and has been identified in the 1999 CMP as having no heritage significance.

In relation to Interpretation of Place, (Guideline Recommendation Nos.2.2 and 2.3) Clive Lucas Stapleton and Partners CMP states:

It is desirable that adaptations of fabric or new works are identifiable as such.

It is desirable to install signage and continue the practice of keeping historic records which outline the history of the buildings and site.

The additions to the existing Adler building comprise additions to the north east corner, new third level, and connections to the existing D and T building. The contemporary forms of the additions are consistent with the CMP guideline recommendation that adaptations of fabric or new works are identifiable as such, and relate to the forms of the existing D and T building to the east and the Kleinlehrer Linc building to the north. Building surfaces visible from outside the site generally comprise terracotta wall and roof cladding to the western section of the existing Adler building, light coloured metal cladding to the eastern section of the existing Adler building and dark coloured metal cladding to the new third level. These materials and finishes

provide articulation to the built form, while relating to the materials and finishes of adjacent buildings along the street frontage of the site and surrounding residential buildings. Building surfaces visible from within the site predominantly comprise dark coloured metal cladding and large areas of glazing with a number of horizontal and vertical elements clad in sandstone. These materials and finishes reduce the apparent bulk of the additions adjacent to the former Laundry building and relate to the materials and finishes of adjacent significant heritage buildings within the site.

#### **Additions to the north east corner of the existing Adler building**

The north wall of the existing Adler building is separated from the south wall of the former Laundry building by around 2m. In the current plans, the proposed breakout and classroom spaces at ground, first and second floor level will extend around 2m to the north of the existing north wall of the existing Adler building, lining up with the southern wall of the former Laundry building. In the original plans, these areas extended a further 3m to the north. The proposed building is separated from Aston Lodge by around 16m.

As compared to the original plans, the additions to the north east corner of the existing Adler building at ground, first and second floor levels will have a reduced impact on the setting and visibility of the front elevation of the former Laundry building which is of Moderate significance. The proposed building footprint better defines the northern edge of the courtyard which allows the appreciation of Aston Lodge, the former Chapel building and the former Laundry building from within the site.

Appropriate consent conditions should be included in relation to structural issues.

#### **New third level to existing Adler building**

In relation to scale and form, the proposed building is one level higher than the existing two storey Interwar residential building buildings on the corner of Stanley and Chepstow Streets and two levels higher than the single storey former Laundry building immediately to the north. The proposed building is not incompatible in scale with these immediately adjacent buildings in the North Randwick heritage conservation area. The former Laundry building is integral with the brick perimeter wall to the western boundary of the site, giving it greater streetscape presence, despite the greater scale of the Adler building which has a more generous setback from the western boundary of the site.

In relation to siting and setbacks, the setback of the existing Adler building from the Stanley Street and Chepstow Street boundary wall is maintained at ground and first floor level. The existing Adler building is set back from the Stanley Street boundary by around 1.5m and from the Chepstow Street boundary by around 2.2m. The proposed third level is set back from the Stanley Street boundary by around 7.7m and from the Chepstow Street boundary by around 5m. The proposed third level is integrated into the existing hipped roof form, further reducing its apparent scale and bulk.

#### **Ground level and second floor level connections between Adler and D and T buildings**

In relation to Treatment of Fabric, (Guideline Recommendation No.1.4) Clive Lucas Stapleton and Partners CMP states:

Define significant views from the Place as those to the surrounding environs in an arc from the east to the south-west, and from the high levels of Woollahra, Bondi Junction and Waverley, and from the (low) lying watershed of Queens and Centennial Parks.

In relation to Physical Fabric (3.16 Views), the CMP notes that:

Principal views to the Place are those from the heights of the suburbs of Woollahra, Bondi Junction and Waverley, and from the low lying watershed of Queens and Centennial Parks. The very upper wall and roof forms of the strongly modelled former novitiate and former chapel above the trees are the main components of these views.

Aston Hall is generally not visible from outside the boundary walls.

In relation to Views, the proposed new building will not impact on distant views to and from the site in a northerly direction. The three key buildings on the site, Aston Lodge, and the former



Chapel and Novitiate buildings are located in the centre part of the site. These key buildings have little visibility from the west from Chepstow Street due to intervening buildings on this edge of the site. The three key buildings have some visibility from Avoca Street to the east, and these views will be unaffected by the proposal. There is a good view towards the front façade of Aston Lodge and the south eastern corner of the Novitiate building from the corner of Avoca Street and Stanley Street. Due to its greater setback from Avoca Street however, the former Chapel building is not prominent in views into the site. There is a partial view towards the side elevation of Aston Lodge and the south west corner of the former Chapel from the north in Stanley Street, between the D and T building and the existing Adler building.

The existing Adler building and the D and T building area separated by a distance of around 12m. While the original plans connected the new building to the existing D and T building at first and second floor levels (Level 1 and Level 2), the current plans appear to provide a gap of just less than 10m between the two buildings at Level 1. The existing external stair on the western wall of the D and T building, somewhat encroaches into and reduces this gap. The gap between the roof of the proposed ground floor connection to the D and T building and the underside of the proposed second floor connection to the D and T building will be around 4m. The drawing submission package provides a Photomontage sheet and a 3D Images Sheet 01 document includes Stanley Street View 01. These photomontages from the opposite side of Stanley Street, line up with the gap between the enlarged Adler building and the existing D and T building. The applicant has now submitted a drawing which provides a Stanley Street Existing View and Stanley Street Proposed View. The horizontal and vertical dimensions of the new view corridor will not substantially reduce the existing partial view towards the south west corner of the former Chapel, and that the ability for the public to appreciate the former Chapel building will not be significantly affected by the proposed development.

Council's Heritage Planner recommended relevant conditions of consent to be imposed, in addition to any provided by Heritage NSW, should the application be approved.

#### **6.4 Senior Building Surveyor**

The application was referred to Council's Senior Building Surveyor for comment and/or recommendations, who raised no objection to the proposed development subject to recommended standard conditions of consent.

#### External Referrals

#### **6.5 NSW Heritage**

The application is identified as being integrated development and requires approval from Heritage NSW pursuant to section 58 of the Heritage Act 1977. As such the application was externally referred to Heritage NSW for approval. A response was received from the Heritage Council of NSW on 28 September 2020 which provided General Terms of Approval which shall be incorporated into the development consent, should the application be approved.

#### **6.6 Roads and Maritime Services/Transport for NSW**

Pursuant to clause 57 of the *SEPP Educational Establishments and Child Care Facilities* 2017, the application was externally referred to Transport for NSW (formally Roads and Maritime Services) for comment and/or recommendation. A response was provided from Transport for NSW on 17 March 2020 in which no objection was raised to the proposed increase in student numbers (from 725 to 920) subject to the following requirements:

1. *The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.*

*Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.*

2. *Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.*

*The student catchment area and travel data provided to TfNSW will assist with future service planning.*

3. *As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.*
4. *It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.*
5. *The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

## **6.7 Design Excellence Panel**

The application was referred to Randwick Design Excellence Panel who provided the following comments and/or recommendations in relation to the amended proposal:

### **PANEL COMMENTS**

*The proposal focuses on the New Adler Building at the Emanuel School campus in order to accommodate an increase in students from 785 to 920. The works include demolition of the Adler Building and part demolition of other structures to facilitate construction of a new three storey building.*

*The New Adler Building will contain learning spaces, social spaces, play areas and amenities, and will be linked to the D+T Building recently constructed to the east. The site is located at the southwest corner of the Emanuel School campus and site works to facilitate this redevelopment include hardscape and softscape works.*

*The most recent Panel meeting (07.09.2020) was preceded by a meeting held with Randwick City Council on 6 November 2019 and a previous DEP review on 2<sup>nd</sup> March 2020. It's the panel's understanding that the proponent met with the Heritage Office to discuss the potential demolition of the 'laundry' building, and that this wasn't supported.*

*It was noted that the Applicant's DA submission provided a summary of the actioned responses from the earlier DEP report. This Panel response is based on the amended DA as now lodged with subsequent changes, and follows the noted actions against the following RLEP 2012 Design Excellence Objectives:*

- a) *Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

*The New Adler Building appears to overwhelm the corner of the site and should consider the introduction of setbacks to offset the three-storey height.*



*The transition between the New Adler Building and the kindergarten should be improved.*

*Greater articulation of the New Adler Building should be undertaken to reflect the fine-grain residential form neighbouring the site.*

***The Panel considers that this reconfiguration is a preferable design approach to the initial concept but recommends that there be some refinement to the window arrangement and surface articulation on the upper levels - eg. provision of a continuous window hood or screen that creates a more cohesive recessed element in the pop-up Level 2 envelope and this would better differentiate the new addition from the masonry base with expressed openings.***

- b) Whether the form and external appearance of the development will improve the quality and amenity of the public domain,***

*Consider a 'lighter bridge link' in order to retain some of the character of the view into green space from surrounding residential properties.*

*A driveway is indicated on ground level between the New Adler Building and the D+T Building. It is not clear if this will remain in use for vehicles. The use of this driveway should be clarified as it may present a hazard.*

*The New Adler Buildings must incorporate articulation and more fine-grained materiality.*

*The security requirements of the building are acknowledged, but the New Adler Building must respond to its environment. High windows are suggested as a way to incorporate both values.*

***3. Improvements and changes to address issues previously raised were agreed as appropriate by the Panel, subject to detail refinement as noted above. As the bridge is not intended as a gathering space, and is fully open to the breeze, consideration may be given to a glass roof to enhance its lightness.***

- c) Whether the proposed development detrimentally impacts on view corridors and landmarks.***

*Consider realigning new buildings along Chepstow Street, to 'reinforce the western green edge of the heritage buildings' and retain the views of the green heritage core. Additional building bulk and scale can be better accommodated along Chepstow Street, where less fine-grain buildings are present.*

***While the Panel appreciated the response to heritage issues with the revised building layout and lighter bridge treatment, the need to enhance a more recessive upper level addition was reinforced (as above).***

- d) How the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites.***

*A wider setback should be implemented along Chepstow and Stanley Streets to allow for planting of more large scaled trees.*

***4. As there will be a significant visual impact on this corner, the Panel expressed concern about the defensive nature of the existing perimeter treatment but understood the response to security issues. Nevertheless, there is potential refinement possible on the masonry wall, and this might include some public art elements, a fine grained veneer and/or modulation to the plinth that could create some indents for informal bench seating – casual social bump space.***

- e) *How the development addresses sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

*It is recommended that all bathrooms on external walls have external operable windows.*

*Sun-shading and weather protection should be provided to suit orientation.*

*Details on the operation of windows in the teaching spaces is desired.*

*Indication of how rainwater will be captured from hard surfaces should be provided.*

*The Panel suggests that an additional door be provided in the classroom at Level 2, south of the core, to provide additional flexibility in circulation.*

*Overshadowing diagram elevations for shadows on Stanley Street for 8am to 9am should be provided to confirm shadow impacts on those buildings*

***The Panel acknowledged that adequate responses were provided to these points.***

***Conclusion:***

***The panel is generally supportive of the revised proposal and subject to the above points being addressed does not need to review the next iteration of the design.***

Assessing Officer Comment: The DEP comments and recommendations were forwarded to the Applicant for consideration regarding the proposed changes. A response was received from the Applicant which identified that the perimeter wall are of moderate heritage significance and as such any changes would require approval from Heritage NSW. Notwithstanding, the Applicant's Heritage Consultant the changes required to accommodate the Panels concerns would require significant works to the walls and is not considered acceptable from a heritage perspective. The applicant has advised that public art can be included in the upper panels of the perimeter wall. Furthermore, it is considered that providing a glass roof to the bridge would compromise safety and create cleaning issues and therefore alternatively, it is recommended to the roof structure be minimise and provided with a compatible colour palette to soften the visual impact.

## **7.0 Relevant Environmental Planning Instruments**

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Randwick Local Environmental Plan 2012.

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

Pursuant to clause 5 of Schedule 7 of SEPP (State and Regional Development) 2011, as the proposal is in relation to an Educational Establishment, with a capital investment value in excess of \$5 million, the proposed development is identified as being "regionally significant development" and the provisions of SEPP (State and Regional Development) 2011 apply to the proposed development. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regionally significant development' with the determining authority for the application being the Sydney Central Planning Panel.

## 8.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council's Environmental Health Officers have reviewed the development application and it is considered that subject to the recommendations of the submitted reports and further detailed site investigation, the site can be made suitable for its intended purpose. Relevant conditions of consent shall be imposed should the application be approved.

## 8.3 State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017

SEPP Educational Establishments aims to facilitate the effective delivery of educational establishments and early education and care facilities by establishing consistent assessment criteria and design considerations for educational establishments. Pursuant to clause 35 of SEPP (Educational Establishments), the proposed development is located within a prescribed zone, being a SP2 zone, and therefore development for the purpose of a school is permitted with consent. In accordance with subclause (6) of clause 35 of the SEPP, before determining the development application, the consent authority must take into consideration:

- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Schedule 4 provides seven (7) design principals, which are addressed below:

### **Principle 1—context, built form and landscape**

- *Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*
- *Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*
- *School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

The subject site is listed on the State Heritage Register due its unique complex of buildings and grounds, and the landmark value of the site. Additionally, the site's historic value in association with the Little Sisters of the Port and early development of the Randwick area contributes to its heritage significance. The site is also identified as containing three (3) local heritage items and located within North Randwick Heritage Conservation Area under Randwick LEP 2012.

The site is highly constraint by the existing buildings and the heritage significance of the site, which limits the location of any new additions. Furthermore, the subject site has limited landscape areas within its boundaries and therefore retention of any existing open landscaped areas and significant vegetation is integral to maintaining on-site amenity and minimising visual impacts upon the public domain. As such, the Applicants approach to undertake alterations and additions to the existing Adler building is supported as it utilises an existing built form and shall not result in any adverse impacts upon the natural environment. The application was referred to both Heritage NSW and Council's Heritage Planner for comment, who both supported the amended proposal and it is considered that the proposed development is an appropriate response to the heritage significance of the site.

### **Principle 2—sustainable, efficient and durable**

- *Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*
- *Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

The proposed design seeks to maximise natural light and solar access into the building by providing large glazed areas to the northern elevation, incorporating windows on all building facades and skylights on the roof, however also utilise shading devices to minimise solar heat gain into the building and provide a balance between natural light and heat gain. The development also proposes the use of PV panels on the roof for power generation. The existing drainage on the site shall be updated where appropriate, including new OSD tanks, to facilitate rainwater re-use. The applicant shall also incorporate energy efficient fixtures, fittings and lighting to further minimise energy consumption.

**Principle 3—accessible and inclusive**

- *School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

**Note—**

*Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

The proposed development involves alterations and additions to the existing Adler building and it is considered that the proposal shall not impact upon the overall wayfinding or navigation of the existing school. The proposed development shall not alter the existing main entry and egress of the school on the corner of Avoca Street and Stanley Street, which permits the safety and security of the school to be maintained. The upgrading of the existing building shall ensure compliance with the relevant accessibility provisions and that equitable access to all persons will be obtained to the new building. The proposed development shall also improve the connectivity with the adjoining D&T building by providing direct access between the two (2) buildings.

**Principle 4—health and safety**

- *Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

As outlined above, the proposed development seeks to improve natural light and ventilation into the Adler building through the implementation of additional window openings on the building facades, and increase internal amenity through generous floor to ceiling heights which shall subsequently improve the health and well-being of occupants. It is considered that the proposed development provides a balance between the safety and security of the school, the amenity of students and accessibility.

**Principle 5—amenity**

- *Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*
- *Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*
- *Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

The proposed development seeks to improve the amenity of the existing school by providing additional educational and administration spaces with associated amenities, internal access and service areas. The main informal breakout areas have been orientated towards the interior of the site, adjacent to the existing outdoor areas, with the classrooms and meeting areas around the perimeter of the site, to minimise impacts upon surrounding residential properties. The proposed design provides windows on all elevations to increase solar access and allow for natural ventilation. As such it is considered that amenity shall be enhanced by the proposed development.

**Principle 6—whole of life, flexible and adaptive**

- *School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

A concept masterplan for the site was approved in 2011. The subject application seeks to amend the approved masterplan by way of a new concept plan to allow for an increased built form in the south-eastern corner and an overall increase to student numbers. While the proposed works are primarily to improve the existing amenity of the school, the additional spaces shall facilitate a minor increase in future student numbers (to that which currently exists). Furthermore, the internal layout of the development shall allow flexible and multi-purpose use of the spaces in the future if required.

#### **Principle 7— aesthetics**

- *School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*
- *The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

Due to the zoning of the site, being SP2, and the type of development, being an Educational Establishment, there are no specific built form controls contained within RLEP 2012 or RDCP 2013 applicable to the proposed development. The proposed development was reviewed by Heritage NSW and Council's Design Excellence Panel, who support the proposed design, including the visual impact of the proposal as viewed from the public domain. The proposed development is not inconsistent with the height of surrounding buildings within the medium density zone, being a maximum height of 11.16m, and is compatible with the height of the existing buildings on the subject site. Furthermore, the proposed development would not be considered to be out of context with the desired future character of the area, noting that the surrounding R3 zoned land adjacent to the site to the east, west and south is subject to a 12m height limit which anticipates developments of up to three (3) storeys. The proposed upper level of the development has been setback from the lower levels of the existing Alder building to minimise the visual impact of the development as viewed from the surrounding properties.

In view of the above, the proposed development is considered to be consistent with the design quality principals stipulated for the development of schools. Clause 35 of the SEPP also requires Council to consider whether the development enables the use of the school facilities to be shared with the community. The proposed development involves alterations and additions to an existing building on site, and it is considered that the proposed works shall not compromise the use of this building with regards to any community use. Furthermore, the large breakout areas and proposed layout would facilitate multi-functional spaces and therefore use of these areas for community use could be provided.

### **8.5 Randwick Local Environmental Plan 2012:**

#### **Part 2 – Land Use Zoning**

The subject site is zoned SP2 – Educational Establishment pursuant to the Land Use Table and Land Zoning Map within RLEP 2012.

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*
- *To protect and provide for land used for community purposes.*

The proposed development is for alterations and additions to the existing school, which would be defined as an Educational Establishment pursuant to the Dictionary of RLEP 2012. As the Land Zoning Map identifies the purpose of the SP2 zone as an Educational Establishment, the proposed development is permitted within consent. As discussed in detailed throughout the assessment report, the proposed development shall not result in any unreasonable impacts upon the residential amenity of surrounding and adjoining properties, nor result in a detrimental impact upon the streetscape.



Furthermore, the proposed development is considered to be compatible with and shall not detract from the heritage significance of the site, including views into the heritage items. As such the proposed development is considered to satisfy the relevant objectives of the SP2 zone subject to conditions.

#### **Clause 4.3 – Height of buildings**

The objectives of Clause 4.3 are as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

There is no maximum height specified for the subject site on the Height of Buildings Map. As such the proposed development is assessed on merit against the objectives of clause 4.3. it is considered that the proposed development is consistent with the objectives of the height of building development standard for the following reasons:

- (a) The desired future character of the area can be determined by the current planning controls and development standards applicable to the subject site and surrounding area. As previously outlined, given the nature of the development being a school and the zoning of the site, there are no specific built form controls for the proposed development and as such consideration can be given to the adjoining sites. The adjacent sites to the east, west and south are subject to a 12m height limit under clause 4.3 of RLEP 2012. The proposed development shall have a maximum height of 11.36m, as measured from below the existing floor slab of the Adler building, and as such the proposed height would not be incompatible with that stipulated for future development of the surrounding sites. The proposed upper level addition has been setback a minimum of 5m from Stanley Street and 7.7m from Chepstow Street to further minimise the apparent bulk and scale, and visual dominance of the development. The size and scale of the proposed building is commensurate with the existing buildings on the site and is compatible with the continued use of the site as a school.
- (b) The proposal was reviewed by Heritage NSW and Council's Heritage Planner who raised no concerns with the proposed bulk and scale of the development and it is considered that the resultant scale and character of the building shall not adversely impact on the heritage significance of the site.
- (c) As discussed under the relevant sections within the report, the proposed development is not considered to result in any unreasonable impacts upon adjoining properties with regards to visual amenity, privacy, overshadowing or view loss.

#### **Clause 4.4 – Floor Space Ratio**

The objectives of Clause 4.4 are as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that buildings are well articulated and respond to environmental and energy needs,*
- (c) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (d) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

There is no maximum floor space stipulated for the subject site on Floor Space Ratio Map. As such the proposed development is assessed on merit against the objectives of clause 4.4. it is considered that the proposed development is consistent with the objectives of the FSR development standard for the following reasons:

- a) The proposed development seeks to utilise the existing Adler building with the proposed alterations and additions largely contained within the existing building footprint. Any additions are



located to the internal of the site to minimise the bulk and scale as viewed from the streetscape. The proposed upper level has been setback from the lower levels of the building to further minimise the visual impact. The proposed colours and materials aim to integrate the proposed additions into the existing built form and create a cohesive building. As such, the proposed size and scale of the building is not considered to be incompatible with the desired future character of the area.

- b) The proposed development has been designed for its intended purpose as an Educational Establishment. Subject to the recommendations within the report, the proposal is considered to provide appropriate articulation to the public domain. The design of the proposal, including the provisions of PV panels on the roof, is also considered to respond to the environmental and energy needs.
- c) The proposal was reviewed by Heritage NSW and Council's Heritage Planner who raised no concerns with the proposed bulk and scale of the development and it is considered that the resultant scale and character of the building shall not adversely impact on the heritage significance of the site.
- d) As discussed under the relevant sections within the report, the proposed development is not considered to result in any unreasonable impacts upon adjoining properties with regards to visual amenity, privacy, overshadowing or view loss.

### **Clause 5.10 – Heritage Conservation**

The objectives of Clause 5.10 are as follows:

- (a) *to conserve the environmental heritage of Randwick,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject site is identified as a State Heritage Item and is also listed as a heritage item (containing three (3) local heritage items) and within a Heritage Conservation Area (North Randwick Heritage Conservation Area) under Randwick LEP 2012.

A detailed assessment against the provisions of clause 5.10 has been undertaken by Council's Heritage Planner which is provided in section 6.3 of the report. The proposal has also been reviewed by the Heritage Division of the Office of Environment and Heritage and as previously detailed. The proposed development was considered to be acceptable from a heritage perspective subject to conditions to be placed on any consent and which are detailed in the recommendation. As such, it is considered that the heritage significance of the subject site shall be maintained and the proposed development is consistent with the objectives of clause 5.10.

### **Clause 6.11 – Design Excellence**

Clause 6.11 of RLEP 2012 aims to ensure that a high standard of architectural and urban design is achieved for certain types of development which involves the following:

*“development involving the construction of a new building or external alterations to an existing building—*

- (a) on a site that has an area of 10,000 square metres or greater, or*
- (b) on land for which a development control plan is required to be prepared under clause 6.12, or*
- (c) that is, or will be, at least 15 metres in height”*

The subject site has an area of approximately 14,710m<sup>2</sup> and is subject to clause 6.12 of RLEP 2012 which requires the preparation of a site specific development control plan. As such, the provisions of clause 6.11 are applicable to the proposed development. In considering whether the proposed development exhibits design excellence, the application was referred to Randwick Design Excellence Panel. A detailed response to the proposed development is provided in section 6.7 of the report. The DEP concluded that the amended proposal had resolved initial concerns and was supportive of the revised proposal, subject to some minor design changes in relation to materials and finishes. Subject

to the recommendations of the Panel, which includes some minor additional architectural detailing to be incorporated into the design and changes to materials, the proposed development is considered to achieve an appropriate standard of architectural design. Furthermore, the proposed works shall upgrade the existing dated building and enhance the streetscape presentation to Stanley Street and Chepstow Street. In view of the above, it is considered that the consent authority can be satisfied that the proposed development exhibits design excellence in accordance with the provisions of clause 6.11.

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

As the subject site has an area in excess of 10,000m<sup>2</sup>, clause 6.12 of RLEP 2012 is applicable to the proposed development. The provisions of clause 6.12 aim to ensure that appropriate guidelines and controls are prepared for large sites, and essentially a masterplan in relation to the future development of the site is provided. The provisions of clause 6.12 generally require the preparation of a site specific development controls plan, however an alternative option to satisfy the provisions of clause 6.12 is to provide a Concept and Staged development pursuant to section 4.22 of the EP&A Act. The subject application is a concept and staged 1 development application which seeks concept approval for a new masterplan for the site, as well as approval for the stage 1 works and detailed design. A concept staged DA and masterplan was previously approved by Council in 2011, the subject application seeks to amend the approved masterplan in relation to two (2) aspects as follows:

- Replacement of the existing two (2) storey Adler building (and approved two (2) storey built form) with a three (3) storey built form; and
- An increase to the student numbers from 785 (including 60 Early Learning Centre students) to 920 students (comprising 860 students plus 60 ELC students).

The existing Adler building is located within the south-western corner of the site, and is located adjacent to the D&T building to the east and the Kindergarten building to the north. The concept approval does not seek to amend any other part of the approved masterplan outwith the Adler building. As the application involves both the concept masterplan and the detailed design of the resultant building, detailed consideration of the future built form and any associated impacts can be determined. The proposed three (3) storey nature of the built form in the south-western corner of the site would be consistent with the existing newer building to the east, and the newer building to the north, beyond the Kindergarten building. The adjoining Kindergarten building is a heritage item which is single storey in nature.

During discussions with Heritage NSW regarding the proposed development, it was evident that future development and/or substantial alterations to the existing Kindergarten building would be unlikely to be supported and therefore it is anticipated that the existing building will remain a low form building in the future. The benefit of the Kindergarten building is that it results in a break in the building mass and built form along the Chepstow frontage and elevate the streetscape appearance. The proposed increase in number of storeys shall provide increased amenity for occupants and accommodate the existing exceedance of student numbers while permitting a minor increase for future enrolments, without unreasonably impacting upon the streetscape or amenity of surrounding properties. Furthermore, the proposed increase in height and built form is not considered to be excessive, noting the surrounding 12m height limit within the R3 zone. No concerns regarding the resultant built form and increase in student numbers has been raised from RMS or Heritage NSW, and subject to the recommendations by Council's Development Engineer the proposed increase can be supported in relation to traffic and parking impacts. In view of the above, the proposed masterplan shall facilitate future development of the school and is not considered to be unreasonable in view of the associated impacts.

### **8.0 Policy Controls and Key Issues**

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

## 8.1 Randwick Comprehensive Development Control Plan 2013

### **Section B2 - Heritage**

A detailed assessment against the relevant provisions of Section B2 have been undertaken by Council's Heritage Planner. See section 6.3 for further comment. The proposed development is not considered to result in any adverse heritage impacts and the heritage significance of the site shall be maintained. As such, the proposed development is considered to be consistent with the provisions of section B2 and is supported on heritage grounds.

### **Section B6 – Recycling and Waste Management**

An assessment of the waste management of the proposed development has been undertaken by Council's Coordinator Development Engineering and relevant conditions of consent shall be imposed accordingly. It is considered that the waste management of the development can be appropriately managed through the proposed conditions.

### **Section B7 – Transport, Traffic, Parking and Access**

Numerous objections were received in response to the proposed development which raised concerns regarding the traffic and parking implications as a result of the proposed increase in student numbers. The submissions also identified existing traffic and parking issues currently generated by the school.

A detailed assessment of traffic and parking has been undertaken by Council's Development Engineer Coordinator. See section 6.1 for detailed assessment.

It is apparent from the number and nature of the submissions received that the existing student and staff numbers are causing issues within the community. Furthermore, it is considered that adequate analysis, including surveys of surrounding areas, has not been undertaken to fully understand the current situation, including parking availability. Notwithstanding, it is considered that the traffic and parking concerns can be resolved through an appropriate management plan to ensure that the proposed development, involving legitimising the existing student and staff numbers and permitting an increase in students in the future, does not continue to unreasonably impact upon the surrounding local area. It is proposed that this be done through the preparation of a detailed Green Travel Plan, Road Safety Evaluation, and additional data analysis to determine travel strategies and targets, and formulate the Operational Transport Management Plan.

A series of conditions of consent have been recommended by Council's Development Engineer Coordinator to minimise impacts upon the local area and local residents. However, in addition to the recommendations, and to ensure that the school is actively aiming to address resident concerns in relation to the operation of the school, it is recommended that a Community Liaison Committee be established by the school.

While the proposed development is not defined as State Significant Development and therefore a Community Consultative Committee is not required to be established, it is considered that in this instance a similar type of committee would be beneficial. As such the creation of a Community Liaison Committee would enable and support effective communication between the school and surrounding area community, and would facilitate a collaborative approach to addressing any issues of concern that impact upon the community in relation to the operation of the school, including any traffic or parking issues. The CLC would also allow ongoing assessment and implementation of the Operational Transport Management Plan, Green Travel Plan and the school's commitment to reducing and managing private car usage by students, staff and parents. In this regard, while the committee would have no formal decision making role, the CLC would play a valuable role in monitoring and reviewing the performance of the school in terms of its impact upon the surrounding community.

It is considered that a Community Liaison Committee would allow formalisation of communication between the school and the local community. It is noted that this approach has been undertaken in other schools within the Sydney area and is not uncommon or unreasonable in the circumstances. Relevant conditions of consent are recommended with regards to the establishment and implementation of the Community Liaison Committee.

## 8.2 Randwick City Council Development Contributions Plan

A suitable condition is included requiring the payment of a section 7.12 contribution in accordance with the requirements of Council's plan.

## 8.3 Key Issues

### **Breach of existing Development Consent DA/181/2009 and Increase in Student Numbers**

As part of the subject application it was identified that the school is currently operating in excess of the approved number of students and is in breach of Development Consent DA/181/2009. Council is also aware that there has been an increase in staffing since the DA/181/2009 consent, however it is noted that there were no conditions of consent which restricted the number of staff in that instance.

Development Consent DA/181/2009 sought a concept approval for the site which included building envelopes and uses, and sought to have the maximum number of students increased to allow for an increase in enrolments over future years. The application sought to increase the student numbers from 650 (as approved under development consent DA/416/1989) to 725, exclusive of the 60 early learning centre children. Approval was granted for 725 students to be permitted and a condition of consent was imposed to this effect. As such the school currently has approval for 725 students plus 60 early learning centre children, equating to a total of 785 students.

The SEE provided with the application identifies that school currently has a total of 887 students enrolled, being 60 ELC places and 827 school students. As such, the Applicant acknowledges that the school is in breach of development consent DA/181/2009, however, the subject application seeks to legitimise the unauthorised students numbers and allow for an increase in students up to a maximum of 920 students (including the 60 ELC places) to facilitate future growth of the school. Numerous submissions were received which raised concerns regarding the existing and proposed student numbers and associated impacts upon the local area and surrounding properties. The submissions include concerns regarding the existing breach and unauthorised student numbers which are illegal, and the implications upon the school.

The breach of the existing development consent was first brought to the attention of Council when the subject application was lodged where it was noted that the application sought consent to legitimise the unauthorised student numbers. It should be noted that Council do not condone unauthorised use of a development, including in relation to occupancy/student numbers, and matters of this nature are investigated separately by Council's Regulatory Unit. As such, the subject application was referred to Council's Compliance Coordinator for review. Council's Compliance Officer advised that as is common practice with any unauthorised use, when an application has been lodged with Council to legitimise the unauthorised use and breach of a development consent, further regulatory action in relation to the site shall be held in abeyance pending the determination of the subject Development Application. Pending the outcome of the Development Application, appropriate action will be undertaken by Council.

While it is acknowledged that the school is in breach of the current development consent, the Applicant has lodged the subject application to rectify the unauthorised student numbers. As such an assessment of the proposed development against the relevant provisions of RLEP 2012 and RDCP 2013 is undertaken to determine whether the unauthorised student numbers would be consistent with the objectives of the relevant planning controls and policies. If the resultant development is found to be consistent with the provisions of the EP&A Act, RLEP 2012 and RDCP 2013, despite the existing breach, Council would be in a position to support the proposal. In this instance, a detailed assessment in consideration of the existing and proposed student numbers has been carried out and found that the proposed development shall not result in any unreasonable impacts upon the local area (subject to recommended conditions) and is consistent with the aims and objectives of SEPP (Educational Establishments and Child Care Facilities) 2017, RLEP 2012 and RDCP 2013, and therefore the proposed development can be supported in this instance.

The submissions also raised concerns regarding the school's conduct to date, noting that the school also breached the previous development consent in DA/416/1989, and the potential for student numbers to exceed that proposed under the subject application in the future. As discussed previously under the Traffic and Parking heading, it is recommended that the school implement a Community

Liaison Committee. The aim of the Committee is to allow effective two-way communication between the school and the community with regards to the operation of the school and any community issues. It is considered that annual details of school enrolments should be provided to the Committee to ensure that the school is operating in accordance with any development consent. It is also recommended that a condition of consent be imposed with regards to staff numbers, stipulating a maximum of 138 staff to ensure that staffing is also adhere to and prevent any uncertainty in future with regards to this. Subject to the above recommendations, it is considered that Council and the community can be satisfied that the school is not in breach of any development consent and operating accordingly.

### **Solar Access**

Concerns have been raised in submissions regarding overshadowing impacts as a result of the proposed development, with particular regards to the adjacent properties to the south of the proposed development on the southern side of Stanley Street.

Shadow diagrams were submitted with the application which demonstrate that the proposed development shall result in some additional overshadowing impacts upon the adjoining properties to the south in the morning and afternoon periods. However, it is considered that any overshadowing would be limited to a maximum of 2 hours in the morning period to the western properties and 2 hours in the afternoon period to the eastern properties. Given the spatial separation between the proposed development and the properties on the southern side of Stanley Street, being in excess of 19m to the front boundary and 24m to the northern elevation of the dwellings, a minimum of 3 hours of solar access to the northern windows shall be maintained in midwinter. As discussed previously, the proposed height is not considered to be excessive and as such the resultant overshadowing impacts are not considered to be unreasonable, particularly noting the level of compliance with the minimum requirements.

### **View Sharing**

Concerns have been raised in submissions regarding the view loss impacts as a result of the proposed development, with particular regards to the view corridors into the site as viewed from Stanley Street and the adjacent residential properties. Initial concerns were raised by Council and Heritage NSW regarding the proposed view loss as a result of the proposed development in the original proposal, and the following comments were provided by Heritage NSW:

*Concerns regarding....Loss of the existing view to the site from Stanley Street. Blocking of this view impacts on the landmark values of the site, severs the existing visual connection and conceals the public view of the Chapel from Stanley Street. The former Chapel is considerably setback from the Aston Lodge and Novitiate building at front and is not seen from main entry on the Stanley Street. The design should retain the existing visual connection to the site.*

In response to the initial concerns raised, the Applicant provided an amended proposal which aimed to ensure that view corridors into the site were maintained and view sharing was achieved. The applicant provided the following view loss analysis with regards to the amended proposal:



STANLEY STREET PROPOSED VIEW



STANLEY STREET EXISTING VIEW

Figure 6: View Analysis of proposed development (TKD Architects).



The amended proposal was referred to Heritage NSW and Council's Heritage Planner who support the proposed design and do not raise any further concerns regarding view loss. While it is acknowledged that a portion of the existing view shall be impacted by the proposal, it is considered that a skilful design has been incorporated with regards to the light-weight nature and materiality of the bridge connection to ensure a view corridor into the site can be retained. Furthermore, the roof level of the building has been lowered to retain as much of the existing view as possible. It should be noted that the existing OSD tank is located below the Imaginarium and as such further lowering of floor level would be problematic. Furthermore, lowering the floor level of the Imaginarium would impact upon accessibility into the new space with additional provisions having to be incorporated to address this, compromising the internal amenity of the building. As such, it is considered that there is not an alternative design which would lessen the impact without impacting upon the amenity of the proposed development. Given that the view impact associated with the proposed development is supported by Heritage NSW and Council's Heritage Planner, refusal of the application in this regard would not be warranted in this instance, and the proposed development is supported.

### **Visual and Acoustic Privacy**

Concerns have been raised in submissions regarding visual and acoustic privacy impacts as a result of the proposed development.

The application was supported by an Acoustic report prepared by a suitably qualified Acoustic Consultant which concluded that the proposed development would not result in any adverse impacts upon surrounding residential properties with regards to acoustic amenity. The application, including the Acoustic report, was referred to Council's Environmental Health Officer for review who raised no concerns regarding noise impacts associated with the proposed development, subject to recommended conditions of consent. The proposed development has been designed to minimise impacts upon surrounding properties by locating the main recreation areas and outdoor spaces to the interior of the site. Furthermore, in response to safety concerns, it is noted that the glazing in the exterior windows fronting the street shall be double-glazed windows further reducing acoustic impacts. In view of the above, it is considered that the proposed development shall not result in any unreasonable impacts upon adjoining properties with regards to acoustic amenity.

The site boundary is located approximately 18.9m from the nearest adjoining property to the west at 16 Stanley Street, and 24.6m from the dwellings along the southern side of Stanley Street. As such while it is acknowledged that there are windows located on the western and southern building elevations, it is considered that there is adequate spatial separation to prevent any unreasonable overlooking impacts upon adjoining properties. Furthermore, it is noted that the elevations in which the proposed building would overlook present to the street, and as such the windows of the adjoining and neighbouring properties are highly visible from the public domain outwith the school, being from Stanley Street and Chepstow Avenue. In view of the above, it is considered that additional privacy measures are not warranted in this instance and the proposed development shall not result in any unreasonable impacts upon adjoining and surrounding properties with regards to visual privacy.

### **Streetscape Presentation and Built Form**

Concerns have been raised in submissions regarding the proposed built form and presentation to the streetscape. It is considered that the proposed development shall enhance the existing streetscape by upgrading the existing Adler building through new materials and additional articulation to the building façade. While it is acknowledged that the proposal shall result in an increased built form, the resultant bulk and scale is not considered to be excessive. The proposed third storey is considered to be sympathetic to the streetscape by recessing and setting back the upper level to minimise the dominance of the building, particularly as viewed from Chepstow and Stanley Street. The application was referred to Randwick Design Excellence Panel who advised that the amended design was compatible with the existing streetscape and would not result in any detrimental visual impacts upon the public domain.

## **9. Environmental Assessment**

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.



Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Refer to "Policy Control" section of this report above for details.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 will be addressed by recommended conditions.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	
Section 4.15(1)(c) – The suitability of the site for the development	The subject development is for alterations and additions to the existing school. The site is zoned for the purpose of an Educational Establishment and as such the site is considered to be a suitable location for the school.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in submissions have been considered and addressed in the report.
Section 4.15(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable environmental, social or economic impact. Therefore it is considered that the proposal is in the public interest.

## 10. Conclusion:

The proposal meets the objectives of the key development standards and policy controls relating to this site and the proposed development.

The proposed development is appropriate for this site given the SP2 Educational Establishment zone in which the subject site is located. The proposal satisfies the relevant objectives contained within RLEP 2012 and the relevant requirements of RDCP 2013, and is consistent with the design principles as required by SEPP Educational Establishments. The Heritage Council has granted general terms of approval and Council's Heritage Planner is satisfied with the form and the scale of the proposal. Furthermore, the proposed design is supported by Randwick Design Excellence Panel with regards to the architectural merit of the proposal.

Subject to the recommendations within the report, the development will not result in any unreasonable impacts on surrounding properties or the public domain.

The application is therefore recommended for approval subject to conditions.

## Recommendation

- A. That the Sydney Eastern City Planning Panel, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/40/2020 for concept plan approval to redevelop the Emanuel School site including increase in students from 785 to 920, Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works (State Heritage Item & Heritage Conservation Area)., at No. 18-20 Stanley Street, Randwick, subject to the following conditions:

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

- 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>
DA1105 (Masterplan – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 3003 (West & South Elevation – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 3004 (East & North Elevation – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 1101 (Proposed Site Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 1102 (Demolition Plan - Site), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 1103 (Demolition Plan - Ground), Revision A	TKD Architects	03 July 2020	10 July 2020
AR DA 1104 (Demolition Plan – Level 1), Revision A	TKD Architects	03 July 2020	10 July 2020
AR DA 2101 (Ground Floor & Level 1), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 2102 (Level 2 & Roof Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 2200 (Proposed Landscape Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3001 (West & South Elevation), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3002 (East & North Elevation), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3101 (Sections), Revision C	TKD Architects	03 July 2020	10 July 2020

### Landscape Plans

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>
L1000 (Landscape Plan), Revision B	Context Landscape Architecture	02 July 2020	10 July 2020

### Materials and Finishes

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>
AR DA 5001 (External Materials & Finishes), Revision C	TKD Architects	03 July 2020	10 July 2020

- Addendum to Heritage Impact Statement – Response to Heritage Referrals Development Application DA/40/2020, 18-20 Stanley Street, Randwick, prepared by Kerime Danis, City Plan Heritage, dated 3 July 2020;
- Heritage Impact Statement, New Learning Hub, Emanuel School, prepared by City Plan Heritage, date January 2020.

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) The detailing of the upper level glazing and window arrangement is to include treatments to refine the openings to exist as recessed element(s) to differentiate the upper level addition from the retained lower levels, involving the provision of a continuous window hood or screen.
  - b) The detailed design of the bridge linking the Adler building to the adjacent D+T Building should incorporate fine steel detailing and minimise bulky solid edge beams. The roof detailing should avoid large gutters and bulky downpipes to obstruct view lines. The bridge and roof structure should be non-reflective and use recessive colours that allow for the articulation of each building.

These amended drawings are to be submitted to and approved by Council's Manager Development Assessment prior to a construction certificate being issued for the development.

**Heritage Council of NSW General Terms of Approval**

3. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
  - a) An amended landscape plan ensuring the proposed trees are relocated so that they do not obstruct the view from the Stanley Street or the internal views to the Aston Lodge (current Saunders building).
  - b) The proposed trees must also be sufficiently distanced from the exceptionally significant Aston Lodge to ensure there is no potential for structural impact from root growth or impact to the external fabric. The amended plan must also be supported by photo montages.

*Reason: The proposed trees are likely to impact on the views from the Stanley Street and internal courtyard views to the Aston lodge. The trees may impact on the exceptionally significant fabric of the Aston Lodge.*

- c) Proposed fencing of the former Laundry, internally within the site, must be see through fencing.

*Reason: To allow visual connection of the heritage buildings with the site.*

**HERITAGE CONSULTANT**

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

**SPECIALIST TRADESPERSONS**

5. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

**SITE PROTECTION**

6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

**PHOTOGRAPHIC ARCHIVAL RECORDING**

7. A photographic archival recording (if necessary, specify elements or parts of structure/complex to be recorded) must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

**UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

8. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

**ABORIGINAL OBJECTS**

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

**COMPLIANCE**

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

**SECTION 60 APPLICATION**

11. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

**Heritage Significance**

12. A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) 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. Two digital copies (DVD or USB) of the archival recording is to be submitted to Council for deposit in the Local History Collection of Randwick City Library and Council's own records incorporating the following:

- A PDF 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 TIFF formats.
13. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building and are to be in accordance with the External Materials and Finishes Board prepared by TKD Architects, dated 03.07.20, and received by Council on 10/07/20. Details of any changes to 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 Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
- Site stability, excavation and construction work– Nearby heritage buildings*
14. Prior to issue of a Construction Certificate for the development, a report from a suitably qualified and experienced Heritage Structural Engineer must be provided to the satisfaction of the Certifying Authority, including the following:
- Geotechnical details which confirm the suitability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the proposed development and adjoining properties.
  - Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings located within the subject site.
  - Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining buildings or any public place, as a result of the works and any associated vibration.
  - Details of appropriate measures, monitoring regime/s and controls to be implemented during excavation and construction work, to maintain the stability and significance of the buildings located within the subject site.
  - The information shall include; details of suitable specific plant and equipment; inspection regimes; development and implementation of appropriate vibration limits; adoption of relevant standards and criteria; monitoring equipment and vibration control strategies.
- Transport for NSW (formally Roads and Maritime Services)**
15. The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.
- Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.
16. Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.
- The student catchment area and travel data provided to TfNSW will assist with future service planning.

17. As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.
18. It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.
19. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
20. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

## 5. Community Engagement

21. The applicant/owner must establish and operate a Community Liaison Committee (CLC). The CLC must be established prior to the issuing of a Construction Certificate. The CLC is to be made up of representatives of the school, local residents and Council. The CLC is to be administered by the Emanuel School. The aim of the CLC is to provide a means of formal communication between the school and local community to consider and address issues in association with the operation of the school. The CLC must:
  - a) be operating prior to the issue of any Construction Certificate;
  - b) meet at least quarterly, and;
  - c) review any ongoing issues in association with the school, including but not limited to:
    - i. the construction process and management of the development;
    - ii. traffic and parking impacts, independent audit reports;
    - iii. the implementation and effectiveness of the Operational Transport Management Plan including the results of monitoring conducted under the plan; and
    - iv. Student numbers.

With regards to the above, the CLC will aim to reduce the use of private vehicle trips to the school and parking of private vehicles in streets surrounding the school. The CLC will also aim to improve all pick-up / drop-off activities along the school's street frontages.

## 6. Operational Transport Management Plan (OTMP)

22. The applicant must prepare and implement (within 3 months of the issuing of any development consent and prior to the issuing of any Construction Certificate) an Operational Transport Management Plan for the Emanuel School in consultation with Council and the local community, which must identify mode share targets for the travel strategies that target a reduction (and insure no increase) in private vehicle parking and trips to the site. The OTMP must be approved by Council's Integrated Transport Department:
  - a) Prior to the issue of any Construction Certificate and must include details regarding the travel strategies and interim traffic management measures (including details for management of the drop off/pick up zones);
  - b) Prior to the issue of any Occupation Certificate and must include details regarding the travel strategies and the final traffic management measures (including details for management of the drop off/pick up zones), and taking the monitoring results (as required by condition 25) into account.
23. The OTMP must provide details of travel strategies and must address the following matters for each:
  - a) Objectives and targets;
  - b) Timing;



- c) Responsibility;
  - d) Funding;
  - e) Implementation;
  - f) Monitoring regime to evaluate each strategy; and
  - g) Monitoring of whether the overall strategies are meeting the targeted reductions in private car trips.
24. In formulating the OTMP, the following must also be prepared and undertaken:
- a) A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;
  - b) A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;
  - c) Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.
25. The school must make the approved OTMP, any updated OTMP and results of the monitoring and independent auditing conducted as part of the OTMP, publicly available on the schools website and available to the CLC.

#### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a '*Construction Certificate*' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

#### Consent Requirements

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

#### Section 7.12 Development Contributions

27. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$11,597,729.00 the following applicable monetary levy must be paid to Council: \$115,977.29.

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 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

$$IDC = ODC \times CP2/CP1$$

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](http://www.randwick.nsw.gov.au).

### Compliance Fee

28. A development compliance and enforcement fee of \$5,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

### Long Service Levy Payments

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

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

### Site Contamination

30. A *Detailed Site Contamination Investigation* Report must be submitted to Council's Director of City Planning **prior to issuing a Construction Certificate** for the development or commencing demolition work (whichever the sooner). The detailed investigation must be undertaken by an independent Certified Contamination Land Consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013). Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.

- a) The site must be remediated in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and NSW Planning & Environment and the *Protection of the Environment Operations Act 1997*.
- b) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council **prior to commencing any remediation works and prior to issuing any Construction Certificates**, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
- c) The RAP is to be prepared by a Certified Contaminated Land Consultant, in accordance with the relevant Guidelines made or approved by NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
  - Validation sampling and analysis,
  - Prevention of cross contamination and migration or release of contaminants,
  - Site management planning,
  - Ground water remediation, dewatering, drainage, monitoring and validation,
  - Unexpected finds.
- d) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented

throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- cross contamination
- site drainage and dewatering
- air and water quality monitoring
- generation and control of dust
- disposal of hazardous wastes
- contingency plans and incident reporting, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.

- e) Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.

- f) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the environmental consultant and Council immediately in writing.
- g) The written concurrence Council must be obtained prior to implementing any changes to the remediation action plan or strategies.
- h) The remediation work must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated Regulations.
31. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan., except as may be amended by the conditions of this consent. Any variations to the proposed remediation works or remediation action plan shall be approved by Council prior to the commencement of such works and with the Environmental Consultants approval of the amended remediation action plan / works.
32. Remediation work is required to satisfy the relevant requirements of the *Contaminated Land Management Act 1997* and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to Council from a suitably qualified Environmental Consultant upon completion of the remediation works.
33. Remediation works shall be carried out in accordance with the relevant requirements of the *Contaminated Land Management Act 1997*, guidelines made by the NSW Office of Environment and Heritage and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
34. Written concurrence of Council must be obtained beforehand if the remediation strategy proposes 'capping' or 'containment' of any contaminated land, details are to be included in the validation report and Environmental Management Plan (EMP) to the satisfaction of the Environmental consultant.

Details of the validation report and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88E of the *Conveyancing Act 1919*. Any requirements of an EMP shall be included in ongoing operating procedures for school works and management.

35. Any fill importation to the site is to be monitored and classified by a suitably qualified Validation Consultant for remediation of the site. Imported materials must meet the requirements of *AS4419:2003 Soils for landscaping and garden use* and the imported material validation criteria.
36. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include but is not limited to, measures to address the following matters:
  - general site management, site security, barriers, traffic management and signage
  - truck wash down area for vehicles leaving the site
  - cross contamination
  - hazard identification and control
  - asbestos monitoring
  - worker health & safety, work zones and decontamination procedures
  - prevention of cross contamination
  - site drainage and dewatering
  - adequate sediment and stormwater control measures
  - air and water quality monitoring
  - disposal of hazardous wastes
  - contingency plans and incident reporting
  - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

37. Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to Council immediately in writing.

The written concurrence of the environmental consultant and Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

38. The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011 & Regulations 2011*.
39. Remediation work shall be conducted within the following hours:

Monday to Friday: 7:00am – 5:00pm  
Saturday: 8:00am – 5:00pm  
No work is permitted on Sunday or public holidays

40. A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

#### **Acoustics**

41. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to the Certifier prior to a construction certificate being issued for the development, which demonstrates that noise and vibration emissions from the development

will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

#### Tree Protection Measures

42. In order to ensure retention of the *Melaleuca quinquinervia* (Broad Leafed Paperbark, T7) that is located in the southern side setback of the subject site, fronting Stanley Street, as well as the two others within the existing landscaped terraces further to its north, being a *Schinus areira* (Peppercorn Tree, T51), then to its south, on slightly higher ground, a *Casuarina glauca* (Swamp She-Oak, T52), in good health, as has been shown on the plans and as recommended in the Arborists Report, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks and canopies, as well as their tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
  - b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as '*the Project Arborist*' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, as well as requirements specified in Section 8, Recommendations, of the Arboricultural Impact Assessment by Arbor Safe, dated 13/12/19 (the '*Arborist Report*').
  - c. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the Principal Certifier, prior to any Occupation Certificate.
  - d. In the event of any discrepancy between the Arborist Report and conditions of consent, the Project Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome.
  - e. **Any excavations within the extent of their TPZ's, as calculated in Appendix C of the Arborist Report, associated with demolition, new footings, services or similar, must comply Section 8.13, and only be performed under the direct supervision of the Project Arborist, with any instructions issued to be strictly adhered to.**
  - f. Relevant construction details and notations must be included on all Construction Certificate plans, to the satisfaction of the Project Arborist, confirming that the new building pylon (if still part of this amended proposal) to be constructed in the southern side setback, fronting Stanley Street, will be offset a minimum distance of **6.9m to the west of T7**, and will be supported on a pier drilled footing only, so as to minimise ground disturbance.
  - g. Prior to the commencement of any site works, T51-52 are to be physically protected by implementing the **Tree Fencing Specification**, as detailed in Section 8.6 of the Arborist Report, and to the extent that is shown at Appendix D, Section 10.4, **Proposed Tree Protection Plan**, with signage to comply with **Section 8.8.1**.
  - h. The Project Arborist must ensure that the list of 'Activities Prohibited within the TPZ', at **Section 8.5** is complied with throughout the course of works.
  - i. Where the Project Arborist determines that trunk and/or ground protection is required, these measures are to comply with **Section 8.7** of the Arborist Report and must remain in place for the duration of works.



- j. Where roots with a diameter of more than **50mm** are encountered, the Project Arborist must be directly consulted on the course of action to be taken with them before works can proceed further, with any instructions to be strictly complied with.
- k. Where roots are found to be in direct conflict with the approved works, and the Project Arborist gives permission for their pruning, they are to be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.
- l. The Project Arborist and Principal Certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, prior to any Occupation Certificate.

#### **Structural Adequacy**

- 43. Certification of Adequacy supplied by a *professional engineer* shall be submitted to the *Certifier (and the Council, if the Council is not the certifying authority)*, certifying that the structural adequacy of the existing structure to support the alterations and additions.

#### **Security Deposits**

- 44. 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*:

- \$7,000.00 - Damage / Civil Works Security Deposit

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

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

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

#### **Electricity Substation**

- 45. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

#### **Sydney Water Requirements**

- 46. 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 Sydney Water **Tap in™** online service replaces the Quick Check Agents as of 30 November 2015*

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.

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

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

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

#### Compliance with the Building Code of Australia & Relevant Standards

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

#### Access & Facilities

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

#### Site stability, Excavation and Construction work

49. A report must be obtained from a suitably qualified and experienced *professional engineer/s*, which includes the following details, to the satisfaction of the Certifier for the development:-
- Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
  - Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
  - Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
  - The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
  - Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

### **Landscape Plans**

50. Written certification from a qualified professional in the Landscape/Horticultural industry (must be eligible for membership with a nationally recognised organisation/association) must state that the proposal submitted for the Construction Certificate is substantially consistent with the Landscape Package & Plans by Context Landscape Architecture, sheets 1-7, ref 19523, issue B, dated 02/07/20, with both of this statement and plans to then be submitted to, and be approved by, the Principal Certifier.

### **Design Alignment levels**

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

- Match the back of the existing footpath along the full Stanley Street site frontage; and
- Match the existing grass verge levels along the full Chepstow Street site frontage.

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

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

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6924.

52. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$164**. This amount is to be paid prior to a construction certificate being issued for the development.

### **Stormwater Drainage**

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas

- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

#### *Internal Drainage*

54. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifier* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
  - i. Directly to the kerb and gutter in front of the subject site in Chepstow Street or Stanley Street; or
  - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

#### NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and the ground conditions preclude the use of an infiltration system, a pump-out system may be permitted to drain the portion of the site that cannot be discharged by gravity to Council's street drainage system in front of the property.

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer in accordance with the conditions of this consent and Council's Private Stormwater Code.

- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;
  - i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
  - 7.
  - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.
  8. Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.
  - iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
  - 9.
  - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.
- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.
- g) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
  - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
  - 10.
  - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- h) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.

- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

*Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) Mulch or bark is not to be used in on-site detention areas.

- o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

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

55. If any dry weather site seepage is encountered during excavation and construction, the development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:

11.

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

#### **Waste Management**

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

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

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

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

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

#### **Public Utilities**



58. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

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

#### **Undergrounding of Site Power**

59. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Chepstow Street or Stanley Street. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

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

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

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

#### **Certification and Building Inspection Requirements**

60. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
  - b) a copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - c) a *Principal Certifier*(PC) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
  - e) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
  - f) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifier and Council.

#### **Dilapidation Reports**

61. A dilapidation report (incorporating photographs of relevant buildings) 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 Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifier* 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).

### **Construction Site Management Plan**

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

- location and construction of protective site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- location and size of waste containers/bulk bins;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

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

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

### **Demolition Work Plan**

63. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/work health and safety provisions and the following requirements:

- a) The Demolition Work Plan must be submitted to the Principal Certifier (PC), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

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

- b) Any materials containing asbestos (including Fibro) must be safely removed and disposed of in accordance with the NSW Work Health and Safety Regulation 2017, SafeWork NSW Code of Practice for the Safe Removal of Asbestos, Protection of Environment Operations (Waste) Regulation 2014 and Council's Asbestos Policy.

### **Demolition Work & Removal of Asbestos Materials**

64. Demolition work must be carried out in accordance with the following requirements:

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifier prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)

- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifier and Council prior to issuing an Occupation Certificate.

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

#### **Construction Noise & Vibration Management Plan**

65. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A Construction Noise and Vibration Management Plan, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifier prior to the commencement of site works.

#### **Public Liability**

66. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

#### **Construction Traffic Management**

67. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Chepstow Street and / or Stanley Street for the duration of the demolition & construction works.

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

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

68. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements

- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

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

#### **Public Utilities**

70. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifier prior to the commencement of any demolition, excavation or building works.

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

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

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

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

#### **Inspections during Construction**

71. The building works must be inspected by the *Principal Certifying Authority*, in accordance with the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

#### **Building & Demolition Work Requirements**

72. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;

- The Protection of the Environment Operations Act 1997;
- Protection of Environment Operations (Waste) Regulation 2014;
- Randwick City Council Asbestos Policy.

*A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

73. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Work Health & Safety legislation and SafeWork NSW requirements
- Preparation and implementation of a *demolition work plan*, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council's Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifier and a copy must be kept on site and be made available for Council Officer upon request.
- A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by SafeWork NSW or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifier and Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifier as soon as practicable after completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

#### **Excavations, Back-filling & Retaining Walls**

74. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the *Principal Certifying Authority*.

#### **Support of Adjoining Land**



75. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

**Sediment & Erosion Control**

76. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom.

Details of the sediment and erosion control measures must be include the Construction Site Management Plan and be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

**Dust Control**

77. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

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

*Dust control measures and practices may include:-*

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

**Temporary Site Fencing**

78. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
  - ☐ materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
  - ☐ building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
  - ☐ it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;



- ☐ as may otherwise be required by WorkCover, Council or the PC.

**Notes:**

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

**Public Safety & Site Management**

79. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

*Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.*

- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

**Site Signage**

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

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

**Restriction on Working Hours**

81. 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"> <li>Monday to Friday - 7.00am to 5.00pm</li> <li>Saturday - 8.00am to 5.00pm</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 3.00pm only</li> <li>Saturday - No work permitted</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development	<ul style="list-style-type: none"> <li>Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

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

#### **Survey Requirements**

82. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifier(PC):

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the PC.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council, if the Council is not the Principal Certifier for the development.

#### **Building Encroachments**

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

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

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

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council's drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal

- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

#### **Road/Asset Opening Permit**

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

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

**Roadway**

86. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Traffic Management**

87. 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.
88. 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.
89. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

**Stormwater Drainage**

90. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

91. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifier and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Principal Certifier and the Council.

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

92. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

**Pruning**

93. Permission is granted for the minimal and selective pruning of the eastern aspect of the *Agonis flexuosa* (Willow Myrtle, T53), which is located on Council's Chepstow Street verge, to the west of the Adler Building, only where they overhang into the subject site and need to be pruned in order to avoid damage to the tree; or, interference with the approved works, and will be wholly at the applicant's cost.
94. This pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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

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

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

**Occupation Certificate Requirements**

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

**Fire Safety Certificates**

96. Prior to issuing an interim or Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

**Structural Certification**

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

**Environmental Amenity**

98. A plan of management (POM) shall be prepared for the operation of the school approved by an accredited acoustic consultant. The plan of management shall include all acoustic recommendations and a complaints management system. Once approved a copy shall be forwarded to Council and must be complied with at all times.

99. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and prior to an occupation certificate. The Validation report shall be prepared in accordance with Remediation Action and state the site is suitable for the intended use.

**Sydney Water Certification**

100. 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](http://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**

101. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

102. A detailed report must be obtained from a suitably qualified and experienced consultant in acoustics, the report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations*



Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an occupation certificate.

### **Landscaping**

103. Prior to any Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Package & Plans by Context Landscape Architecture, sheets 1-7, ref 19523, issue B, dated 02/07/20.
104. 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.
105. That part of the nature-strips upon either of Council's footways which are 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.

### **Project Arborist Certification**

106. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of T7 & 51-53.

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

107. Prior to issuing a Occupation Certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
108. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
  - a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
  - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
  - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.
109. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a Occupation Certificate.



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

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

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

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

**Undergrounding of Power**

111. The PC shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Chepstow Street or Stanley Street. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

NOTE : Any private poles must be removed prior to the issuing of an occupation certificate.

**Stormwater Drainage**

112. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

**Notes:**

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
113. 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):
- Finished site contours at 0.2 metre intervals;
  - The location of any detention basins/tanks with finished surface/invert levels;
  - Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
114. The applicant shall submit to the 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.

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

#### **Waste Management**

115. All waste storage areas shall be clearly signposted.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

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

#### **Fire Safety Statements**

116. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

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

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

#### **Student and Staff Population**

117. The maximum number of students at the school must not exceed 920 at any time (inclusive of the 60 Early Learning Centre places). Details of student numbers and enrolments are to be documented annually. Details of student numbers are to be made available to Council and the Community Liaison Committee upon request.
118. The maximum number of staff at the school must not exceed 138 full time equivalent staff at any time. Details of staff numbers are to be made available to Council and the Community Liaison Committee upon request.

#### **Community Liaison Committee**

119. The Community Liaison Committee is to be established and implemented by the school. The Committee should create guidelines in relation to the operation of the CLC which are to be adhered to.

#### **Traffic Management**

120. Prior to the commencement of the operation of the new facilities, the applicant must provide verification that all required OTMP measures have been correctly implemented and targets achieved to the satisfaction of Council.

#### **Environmental Amenity**

121. 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.
122. Any internal lighting to the premises after hours is to also be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

123. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

124. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council within 3 **months after occupation certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

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

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Office of Environment & Heritage/Environmental Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

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

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

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

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

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

#### **Stormwater Detention/Infiltration System**

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

#### **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifier* for the development,
  - Council and the Principal Certifier have been given at least 2 days notice (in writing) prior to commencing any works.
- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifier* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9093 6944.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works
- A6 The *Principal Certifier* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).
- A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A8 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9093 6944.
- A9 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or

- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- A10 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.
- Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A11 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.
- A13 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.
- A14 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A15 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.
- A16 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
  - before 7.00am or after 10.00pm on any other day.
- A17 The assessment of this development application does not include an assessment of the proposed building work under the Food Act 2003, Food Safety Standards or Building Code of Australia (BCA).
- All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.
- A18 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A19 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our

environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

14.

- A20 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

15.

- A21 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

16.

- A22 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

CP47/20





## Director City Services Report No. CS45/20

**Subject: Malabar Ocean Pool Amenities Building**

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### Executive Summary

- Council at its meeting of 25 June 2019 resolved to investigate the feasibility of providing an amenities facility to cater to the users of the Malabar Ocean Pool and seek community feedback in relation to these proposed amenities.
- Community consultation has been undertaken to obtain feedback and a detailed community consultation report has been prepared outlining the findings.
- Initial community consultation has found that a majority of the community support the provision of an amenities facility for the Malabar Ocean Pool area, as such, a recommendation has been made to proceed with the planning of the project in the 2021-22 financial year.

### Recommendation

That Council consider the planning of the new Malabar Rockpool Amenities project in the 2021-22 Capital Works budget.

### Attachment/s:

1.  Community Consultation Report Malabar Pool Amenities

## Purpose

At its ordinary Council meeting of 25 June 2019, Council resolved (Da Rocha/Said):

*That:*

- a) *Council investigate the feasibility of providing an amenities facility at Malabar pool to cater to the users of the Malabar rock pool.*
- b) *Council undertake works that provide a smoother, even surface at all access points of the pool for those who use the facility.*
- c) *Council investigate opportunities to increase the accessibility of the pool for users of all ages and abilities; and*
- d) *A report be brought back to Council outlining the opportunities and costs of providing the above-mentioned works.*

The purpose of this report is to summarise the findings of the community consultation undertaken for a possible amenities facility at the Malabar Ocean Pool to allow development of a recommendation and next steps for Council consideration in response to Item a) of the above resolution. It should be noted that Items b) and c) are currently in progress and will be subject to a subsequent Council report in response to item d).

## Discussion

Malabar Ocean Pool is located near Malabar Beach in Long Bay, directly below Randwick Golf Club. The site is known as 4R Bay Parade, Malabar NSW 2036, UNN Lot & DP Rock Swimming Pool.

The Ocean Pool has existed since the 1890s. It was at, the time, described as a large swimming basin with buoyant seawater of varying depth. In the 1970s, however, the ocean pool was closed due to pollution. Randwick Council together with Sydney Water and NSW Department of Land and Water Conservation restored the pool, improving its water quality, and allowing the ocean pool to be reopened to the public again in March 1997.

The ocean pool is popular with locals, being used regularly by singular users, informal social gatherings, and family groups. Its peak use is during the summer months with an increase on weekends, however, it maintains a steady stream of visitors throughout the year. While the largest number of visitors come by car and park in the public car park at street level, a large number of users also travel to the pool by foot or bicycle. While lesser used, the pool is also accessible by public bus from the city. The area provides an existing ramp approach and entry into the pool, allowing for the inclusion of users of an older age group, which is valued by local residents.

The pool also sits along the well-used coastal walkway which extends from the western part of Malabar Headland through Malabar Beach on Long Bay. The pool area, while being identified as needing amenities, also provides the potential to cater for walkers by providing facilities at the end of Bay Parade, at a location before the future coastal walk moves into more natural environments to the south.

## Site Details

Malabar Ocean Pool		Car Park (Randwick Golf Course)	
Address:	4R Bay Parade, Malabar NSW 2036	Address:	3 15 Howe Street Malabar, NSW 2036
Lot & DP	Unknown Lot & DP Rock Swimming Pool	Lot & DP	Lot 612, DP 752015 Golf Course Crown RE 500089
Property name	Rock Swimming Pool	Property name	Randwick Golf Course
Area	unknown	Area	approximately 246900 m2 Incl golf course
Owner	NSW Department of Land – Land Administration	Owner	Department of Land and Water Conservation
Zone	RE1 Public Recreation	Zone	RE1 Public Recreation

## Background

There are currently no toilet facilities close to Malabar Pool, with the nearest public amenities located 700 meters away in Cromwell Park. This shortfall has led to Randwick City Council being approached by users and the Malabar Precinct Committee requesting an amenities building closer to the pool. Council's Plan of Management for the pool has also identified an amenities building for future consideration.

Council, at its meeting held on 25 June 2019, resolved to investigate the feasibility of providing an amenities facility to cater to the users of the Malabar Ocean Pool. Funding was included in the 2019-20 Capital Works Budget to investigate a location and seek community feedback in relation to new amenities near the Malabar Ocean Pool.

To assist Council in better understanding community attitudes and to assist in planning any future works or funding, Council conducted community consultation with pool users and local residents. The community consultation program was undertaken to help Council understand the wider community's views and whether we should further pursue the idea of building an amenities building.

The consultation program aimed to:

- Obtain feedback from the community using their local knowledge and experience of the Malabar Pool to help inform Council's planning and decision making.
- Determine the needs and expectations of the local community.

## Outcomes of Community Consultation

A complete report outlining the findings of our community consultation is **attached** and details the community engagement strategy undertaken, consultation outcomes, survey results, focus group outcomes, next steps, and additional materials.

The following is a summary of the findings:

- Overall, the consultation found general support for an amenities building with 70% support from 219 survey respondents. Of those who identify as regular pool users, support is slightly lower at 62%.
- There is some opposition with 24% of respondents indicating an amenities building is not important. Most of these respondents are concerned an amenities building is unnecessary and would change the local character of the pool.
- Of those who support an amenities building, the preferred location is at the car park level (37%) while there is some support for building at the pool level (21%).

- The top five most important features, if Council were to build an amenities building, are: disabled access, outdoor showers, drinking fountains, change rooms and family change rooms.
- There was a strong feeling amongst those who support an amenities building that it should be modest in size, minimise view impacts and sympathetic to its environment.

### Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	3. An informed and engaged community.
Direction	3b. The community has increased opportunities to participate in decision-making processes.
Outcome	5. Excellence in recreation and lifestyle opportunities.
Direction	5a. Maximise opportunities for residents and visitors to enjoy both active and passive open space uses.

### Resourcing Strategy implications

There are no financial implications associated with the recommendation of this report.

Funding for the construction of the facility will be subject to a future Capital Works Budget based on the outcomes of the design and documentation stages, should Council choose to proceed with the planning of the project in the next financial year.

### Policy and legislative requirements

There are no policy or legislative requirements.

### Conclusion

Initial community consultation has found majority support by the community for the provision of an amenities facility for the Malabar Ocean Pool area. Furthermore, siting an amenities building in this location would serve users of the future coastal walkway extension, in a beneficial point in the walk, before it enters more natural environment where facilities are limited. As such, it is recommended that Council endorse the consideration to proceed with the planning budget of the project in the 2021-22 Capital Works Program.

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**Responsible officer:** Peter Petro, Project Manager - Major Projects Planning

**File Reference:** PROJ/10171/4

COMMUNICATIONS

# Community Consultation Report Malabar Pool Amenities

10 September 2020



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## 1. Executive summary

- Randwick City Council has been approached by users of the Malabar Ocean Pool requesting an amenities building closer to the pool. There has also been a Council resolution to investigate the feasibility of an amenities facility and requests from the Malabar Precinct Committee. Council's plan of management for the pool has also identified it for future consideration.
- There are currently no toilet facilities close to Malabar Pool, with the nearest public amenities located 700 metres away in Cromwell Park.
- To assist Council in better understanding community attitudes and to assist in planning any future works or funding, Council conducted a community consultation with pool users and local residents.
- Overall the consultation found general support for building an amenities building with 70% support from 219 total survey respondents. Of those who identify as regular pool users, support is slightly lower at 62%.
- There is some opposition with 24% of respondents indicating an amenities building is not important. Most of these respondents are concerned an amenities building is unnecessary and would change the local character of the pool.
- Of those who support an amenities building, the preferred location is at the car park level (37%) while there is some support for building at the pool level (21%).
- The top 5 most important features if Council were to build an amenities building are: disabled access, outdoor showers, drinking fountains, change rooms and family change rooms.
- There was a strong feeling amongst those who support an amenities building that it should be modest in size, minimise view impacts and sympathetic to the environment.

## 2. Community engagement strategy

### 2.1. Background and objectives

A community consultation program was undertaken to help Council understand the wider community's views and whether we should pursue the idea of building an amenities further.

The consultation program aimed to:

- To obtain feedback from the community using their local knowledge and experience of the Malabar pool to help inform Council's planning and decision making;
- To determine the needs and expectations of the local community.

### 2.2. Consultation period

The consultation was open 7 July to 5 August 2020.

The project was assessed as having a high-level local area impact.

The community were asked to complete a survey and join an online focus group.

### 2.3. Communications

Communications activities undertaken to promote the consultation included:

- Dedicated consultation webpage on Your Say Randwick;
- Flyer drop to homes around Malabar;
- Posters on site at the Malabar Pool;
- Email to Your Say subscribers: 7 July 2020 (5,085 subscribers);
- Randwick News weekly email: 8 July 2020 (57,000 subscribers);
- Facebook post: 8 July 2020 (7,257 people reached, 794 engagements: likes/clicks/shares);
- Listing on Randwick City Council's *Current Consultations* webpage;
- Email to all precincts;
- Councillor notification.

## 3. Consultation outcomes

### 3.1. Your Say Randwick website

A dedicated Your Say Randwick website was created to allow the community to complete a survey and register for the focus group: [yoursay.randwick.nsw.gov.au/malabar-pool-amenities](https://yoursay.randwick.nsw.gov.au/malabar-pool-amenities)

The website was open for 30 days from 7 July to 5 August 2020.

During this time, the site experienced the following:

- 1,200 visits to the YourSay Randwick webpage
- 219 survey responses

### 3.2. Submissions

Two submissions, summarised in the table below were sent directly to Council during the consultation period.

	Submission
1	Malabar Pool Proposed Amenities Block. I do not want an Amenities block at Malabar pool. on any level. Neither do my many friends at the Pool All swimmers!
2	<p>There is a notice at the malabar pool which asks for feedback regarding the proposal to build an amenities block there.</p> <p>My opinion is that it is not necessary for an amenities block or toilet block. There are showers available for swimmers which are adequate.</p> <p>I think the way it is is perfect because those who like to swim there do exactly that. They swim have a chat and leave.</p> <p>If council would really like to help the community it would be much appreciated if they would fix the pool. That's all we swimmers at Malabar want.</p> <p>A pool with a pump that works, all the time. Also for the surfaces around the pool to be refinished. They were never done properly. Council closed the pool so many times and the outcome in the end was terrible. All the surfaces are cracked and broken.</p> <p>So no need to spend money on an amenities block, please just fix what we already have and love.</p> <p>Oh and please don't close the pool for weeks on end. There are so many people who rely on it for their exercise who are unable to exercise other than to swim.</p>

### 3.3. Facebook



Image 1: Facebook post 8 July 2020.

CS45/20

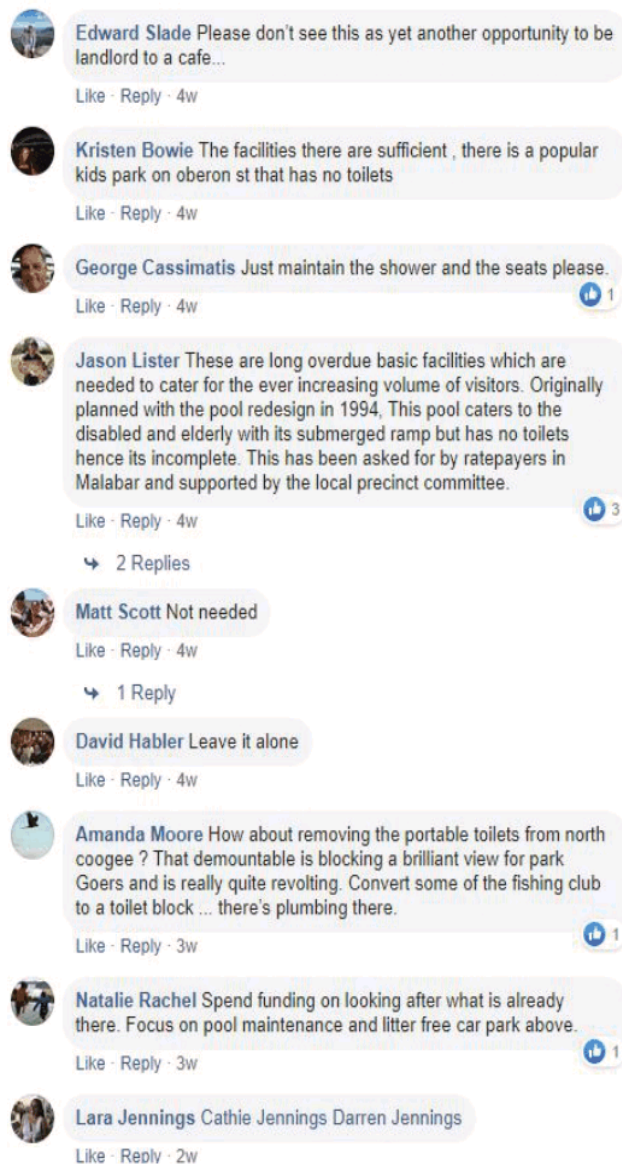
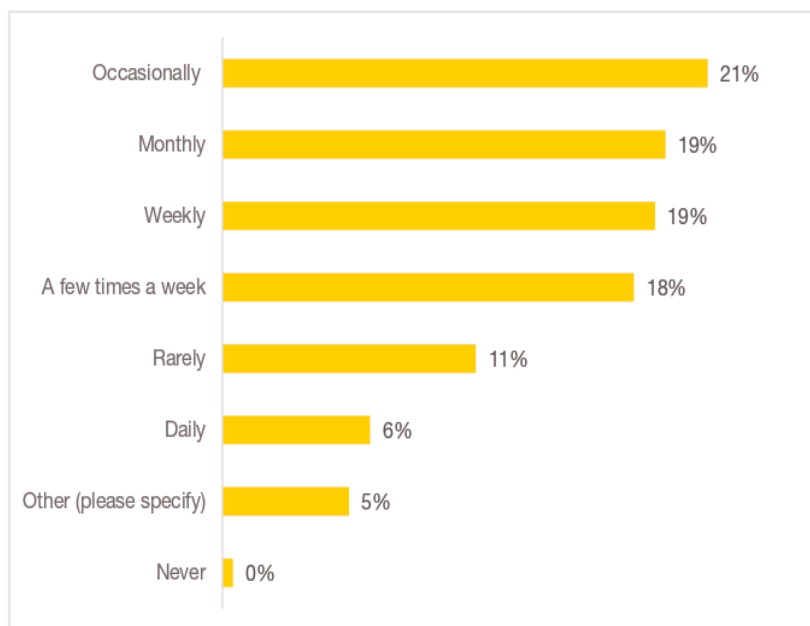


Image 2: Facebook post comments 8 July 2020.

## 4. Survey results

A total of 219 survey were completed. All graphs below represent the 219 responses unless otherwise indicated.

### 4.1. How often do you use the Malabar Pool?

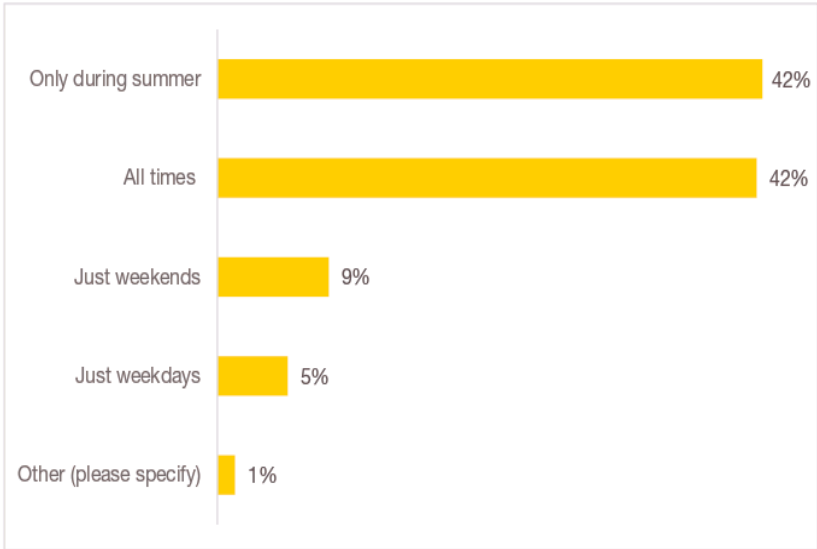


Graph 1: How often do you use the Malabar Pool?

This graph indicates that most survey respondents use the pool quite regularly, with 43% in total using the pool daily, a few times a week, weekly (14, 39 and 41 respondents respectively). 19% use the pool monthly (42 respondents) and 21% use it occasionally (46 respondents). 11% use the pool rarely (24 respondents). See Appendix A for responses to "Other".



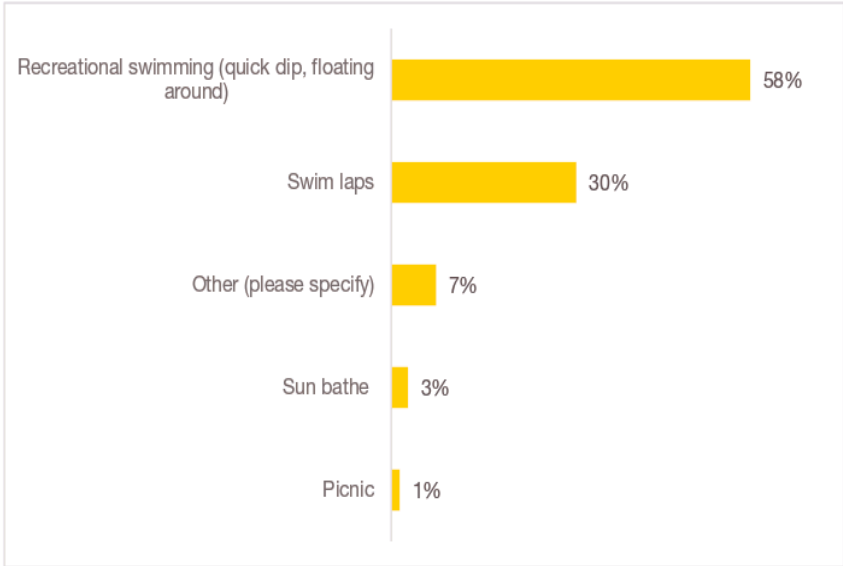
4.2. When do you usually visit the pool?



Graph 2: When do you usually visit the pool?

This graph indicates that 42% of respondents use the pool “only during summer” (93 responses) and a further 42% use it at “all times” (92 respondents). This suggests the pool is popular all year round but does peak during the summer months. See Appendix A for responses to “Other”.

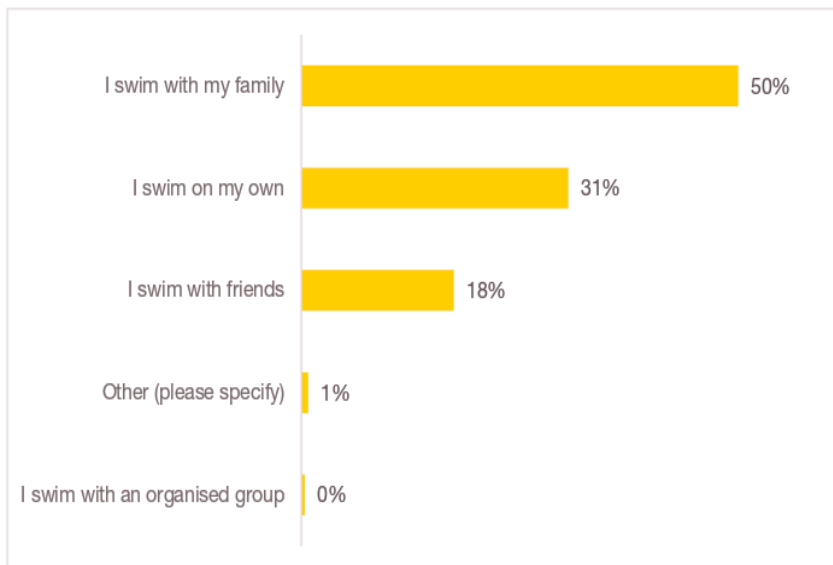
4.3. What do you mostly do at the pool?



Graph 3: What do you mostly do at the pool?

This graph indicates that most respondents use the pool for recreational purposes, such as a quick swim or to float around (52% or 128 responses). This is followed by those who swim laps (30% or 66 respondents). See Appendix A for responses to “Other”.

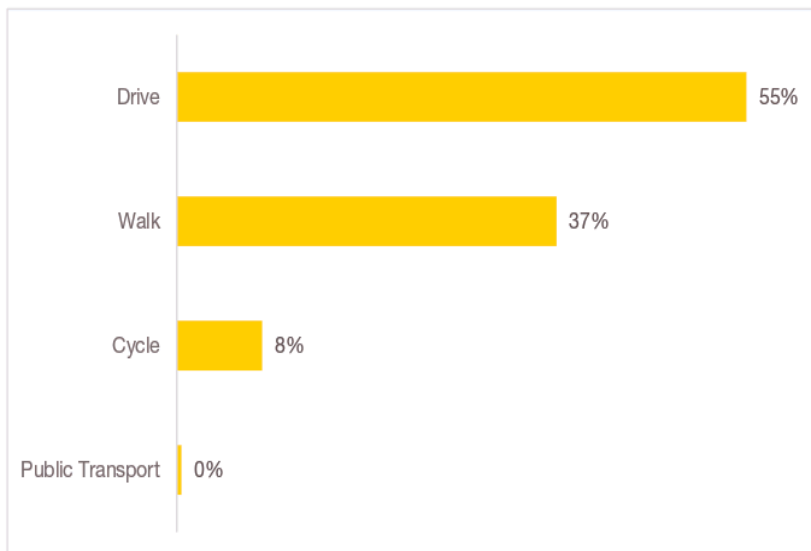
#### 4.4. Which best describes who you use the pool with?



Graph 4: Which best describes who you use the pool with?

This graph shows that approximately half of the survey respondents swim at the pool with their family (50% or 126 respondents), followed by those who swim on their own (31% or 77 respondents). See Appendix A for responses to “Other”.

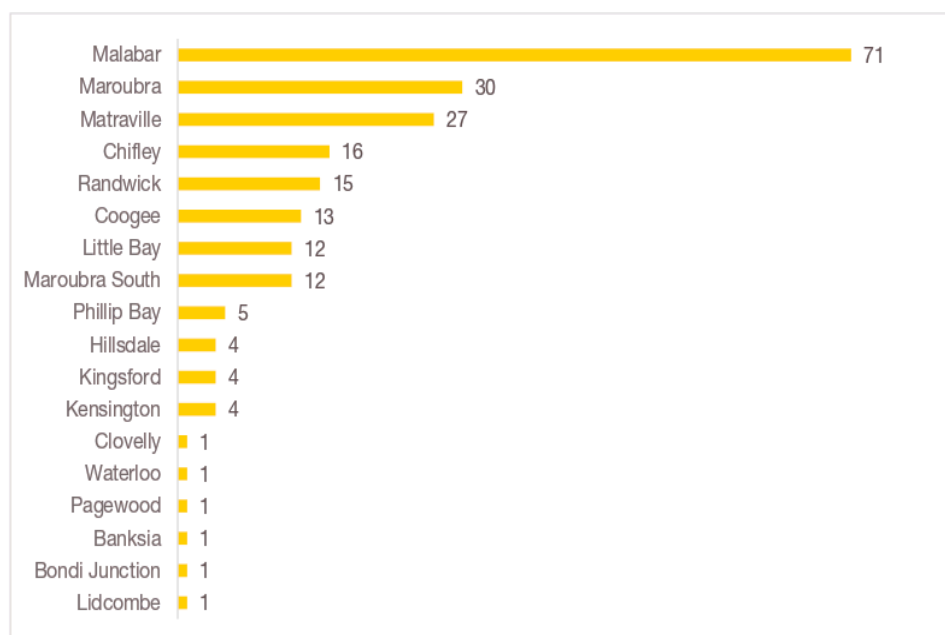
#### 4.5. How do you travel to the pool?



Graph 5: How do you travel to the pool?

This graph shows that 55%, just over half of the respondents, drive to the pool (120 respondents) and 37% walk (80 respondents). 8% of respondents cycle (18 responses) and 1 respondent takes public transport.

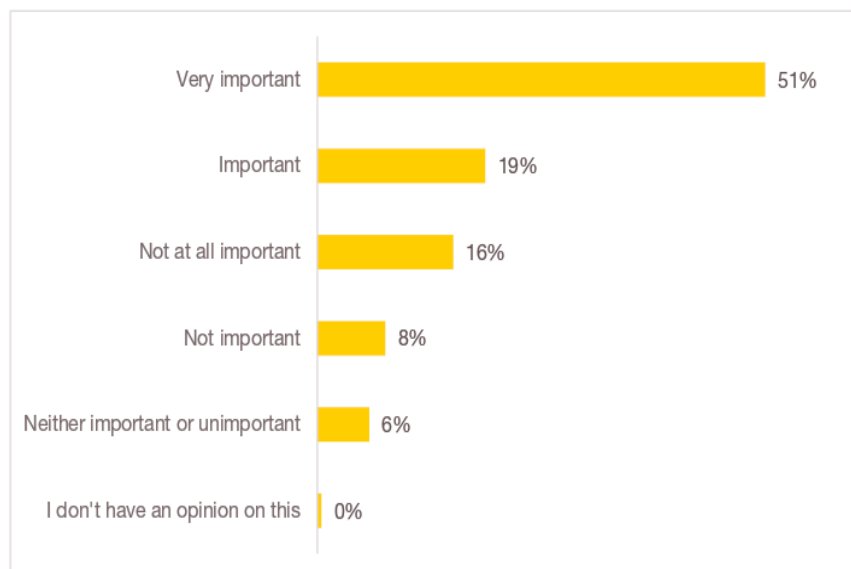
#### 4.6. What suburb do you live in?



Graph 6: What suburb do you live in?

This graph indicates that the vast majority of survey respondents, 32%, live in Malabar (71 respondents). Maroubra and Matraville followed with 30 and 27 respondents respectively.

#### 4.7. How important do you think it is to have an amenities block in the area?

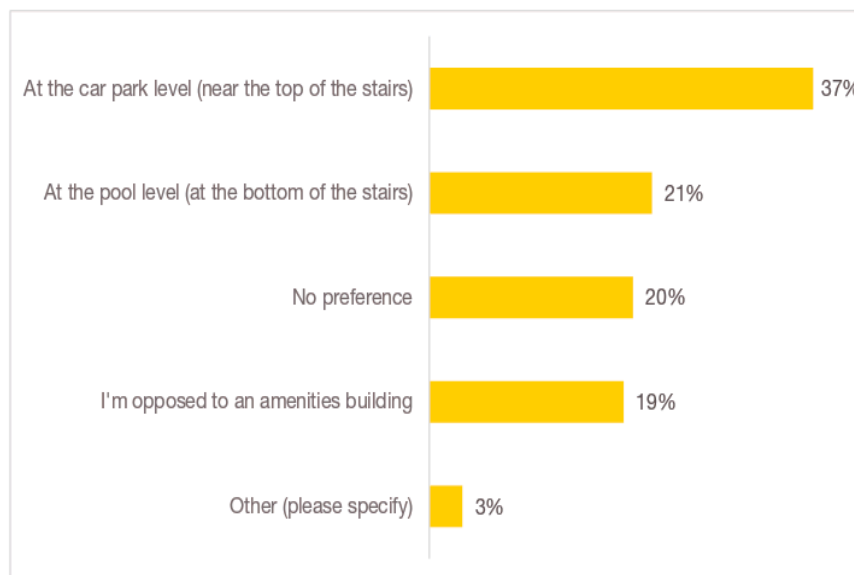


Graph 7: How important do you think it is to have an amenities block in the area?

This graph indicates a majority of respondents support an amenities building, with 70% (or a total of 154 respondents) choosing 'Very important' or 'Important'. Approximately 24% (51 respondents) believe an amenities is "Not at all important" or "Not important". 6% (13

respondents) felt it was “Neither important or unimportant” and 1 respondent did not have an opinion.

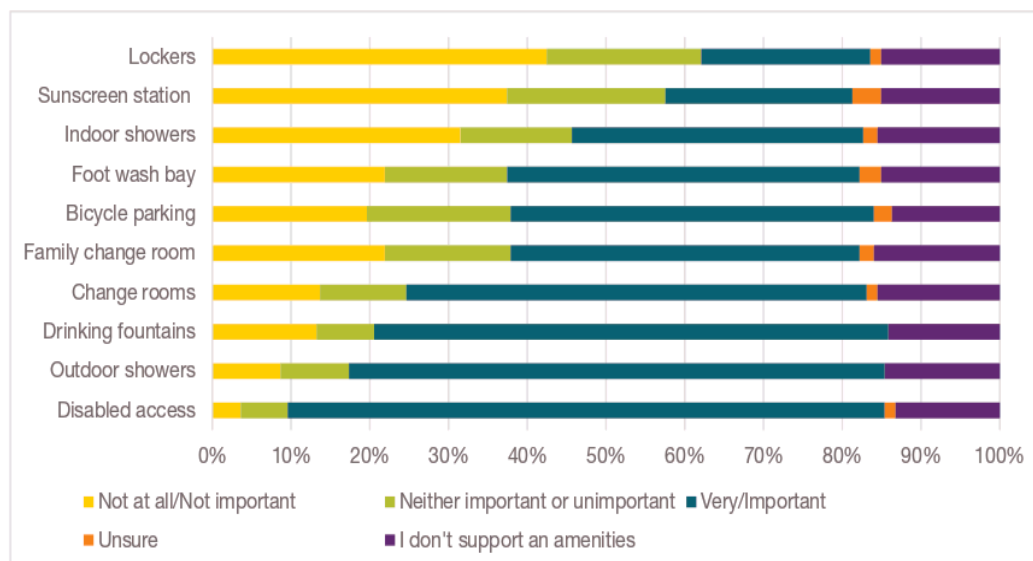
#### 4.8. Do you have a preference for where a potential amenities building could be located?



*Graph 8: Do you have a preference for where a potential amenities building could be located?*

This graph indicates that the majority of respondents, at total of 37% (81 respondents) would support an amenities at the car park level, near the top of the stairs going down to the pool. This is followed by 21% (47 respondents) who would support an amenities being built at the pool level, closely followed by 20% (43 respondents) who don't have a preference and 19% (41 respondents) who are opposed to an amenities.

#### 4.9. If Council was to proceed with designing an amenities building, how important would the following features be to you?



Graph 9: Importance of key features for an amenities building.

This graph shows respondents' perceived importance of various key features that may be included in an amenities building.

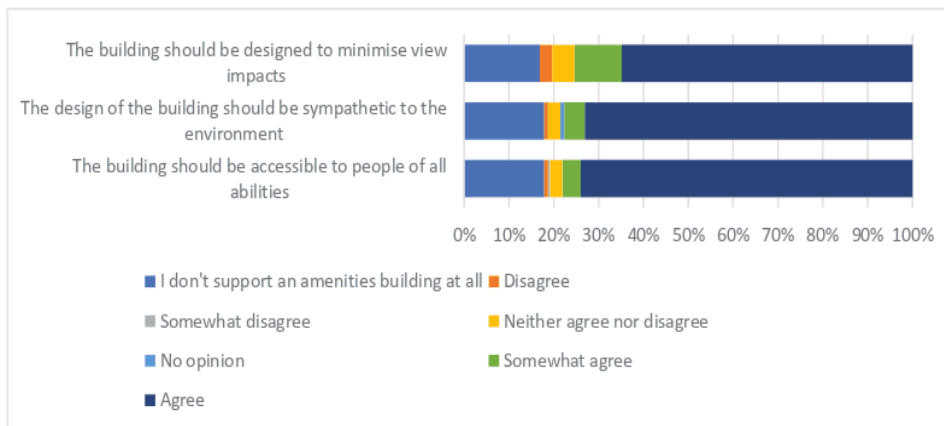
The most important features are disabled access (76% rate it very important/important), outdoor showers (68% rate it very important/important), drinking fountain (65% rate it very important/important) and change rooms (58% rate it very important/important).

This is followed by bicycle parking, foot wash bay and family change room (46%, 45% and 44% very important/important respectively). Finally, indoor showers, sunscreen station and lockers were as very important/important by 37%, 24% and 21% of respondents respectively.

The features that were most frequently considered "Not important/Not at all important" were lockers, sunscreen station and indoor showers (42%, 37% and 32% respectively).

An average of 15% of respondents did not rate the features because they do not support an amenities building.

#### 4.10. Rate your level of agreement with the following statements

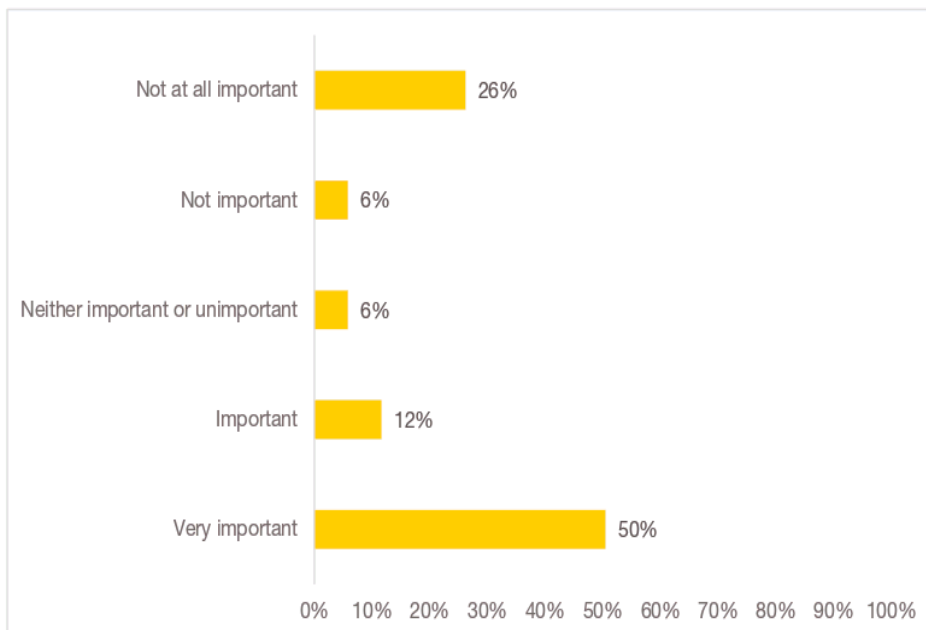


Graph 10: Rate your level of agreement with the following statements

This graph indicates that the majority of respondents support an amenities building that is accessible for people of all abilities, is sympathetic to the environment and is designed to minimise view impacts, with 74%, 73% and 64% of respondents in agreement respectively.

An average 18% of respondents did not indicate their level of agreement with the statements because they do not support an amenities building.

#### 4.11. Regular users perceived importance of an amenities building



Graph 11: n=103 regular users perceived importance of an amenities

This graph shows the perceived importance of building an amenities at Malabar pool by the 103 respondents who use the pool regularly (indicated in the survey as using the pool daily, a few times a week or weekly). A total of 62% of the 103 respondents who use the pool regularly perceive an amenities as very important/important. 32% of the regular users perceive an amenities as not at all important/not important.



## 5. Focus Group outcomes

### 5.1. Purpose and method

On Wednesday 29 July 2020 Council hosted an online focus group to discuss the Malabar Pool. The purpose of the focus group was to learn from people's knowledge and experience of Malabar Pool to help inform Council's planning and decision-making for the future.

Participants for the focus group were self-selected and registered in advance. 11 participants registered with six joining the session on the night. All participants were residents of Randwick City and were either active users of the pool or had used the pool in the past.

Participation in the focus group involved one 90-minute session facilitated by Randwick Council's Communications Manager and Community Consultation Officer. Members of Council's Major Projects team attended, along with the Mayor, who were observers only.

### 5.2. Discussion outcomes

To begin the focus group, participants were asked to introduce themselves to the group and share what they love about Malabar pool. It was agreed across the group that the pool has a natural beauty and it is unique because it is convenient and accessible to all.

*'It's a safe place to swim...love that the area is undeveloped...its just magical.'*

The facilitator asked those in the group who support building an amenities building to share their thoughts and reasons why. No one in the group was against an amenities block. One participant noted that Malabar is getting more and more popular and the amenities at Cromwell Park is out of the way.

*'I think we need an amenities block and it needs to have as small a foot print as possible.'*

The group discussed the best location for an amenities and access. One suggestion was to locate the amenities halfway down the access ramp where there is a flat area. Another participant pointed out that people who need the ramps for access will be coming from the car park, so being located on the car park level would make sense, and those who can use the stairs can also access it. Another participant felt that people who use the pool, would not support the amenities being located on the pool deck.

The group also discussed the features of an amenities block. One participant felt a big amenities with hot showers, club rooms for a swimming club, change rooms etc is not in the spirit of Malabar.

*'As much as possible, with the smallest footprint as possible.'*

*'Minimalist, well designed, well concealed.'*

### 5.3. Conclusion

The focus group discussion generated some useful insights in relation to how locals and users of the pool feel about the Malabar pool and the usefulness of building an amenities block. The discussion revealed that the group feels Malabar is a place of natural beauty, and any building down near the pool should be unobtrusive and minimalist. The group felt that an amenities building would benefit pool users given the nearest toilets are not conveniently located near the

pool. It was agreed that building on the pool level would not be suitable, but the group was split regarding where it could be located; either at car park level or halfway down the ramp. If an amenities was built it would not need too many features, just a few toilets and some space to change. Overall, the Malabar ocean pool is appreciated for its access but has other issues relating to the resurfacing, rubbish and weed.

## 6. Next steps

A report will be prepared for Council's consideration outlining the results of the community consultation.

The purpose of the report is to seek Council's consideration of whether to proceed to design for a potential amenities building.

## 7. Examples of community engagement material



Image: Flyer and poster used to inform pool users about the consultation.

## A. Open-ended survey responses

	Qu 1: How often do you use the Malabar Pool?
1	Regularly in summer, weekly in winter.
2	weekly during warmer months
3	I use it most times if the year, except Winter
4	more summer
5	I actually have taken elderly people down to the pool for paddling at the ramp area of the pool. I find it accessible for the elderly.
6	During the summer months only--about weekly.
7	4 times a week
8	Daily in spring and summer, less in winter and autumn
9	I use it regularly in summer Not winter
10	weekly during the warmer months
11	Regularly during summer months
12	weekly in summer

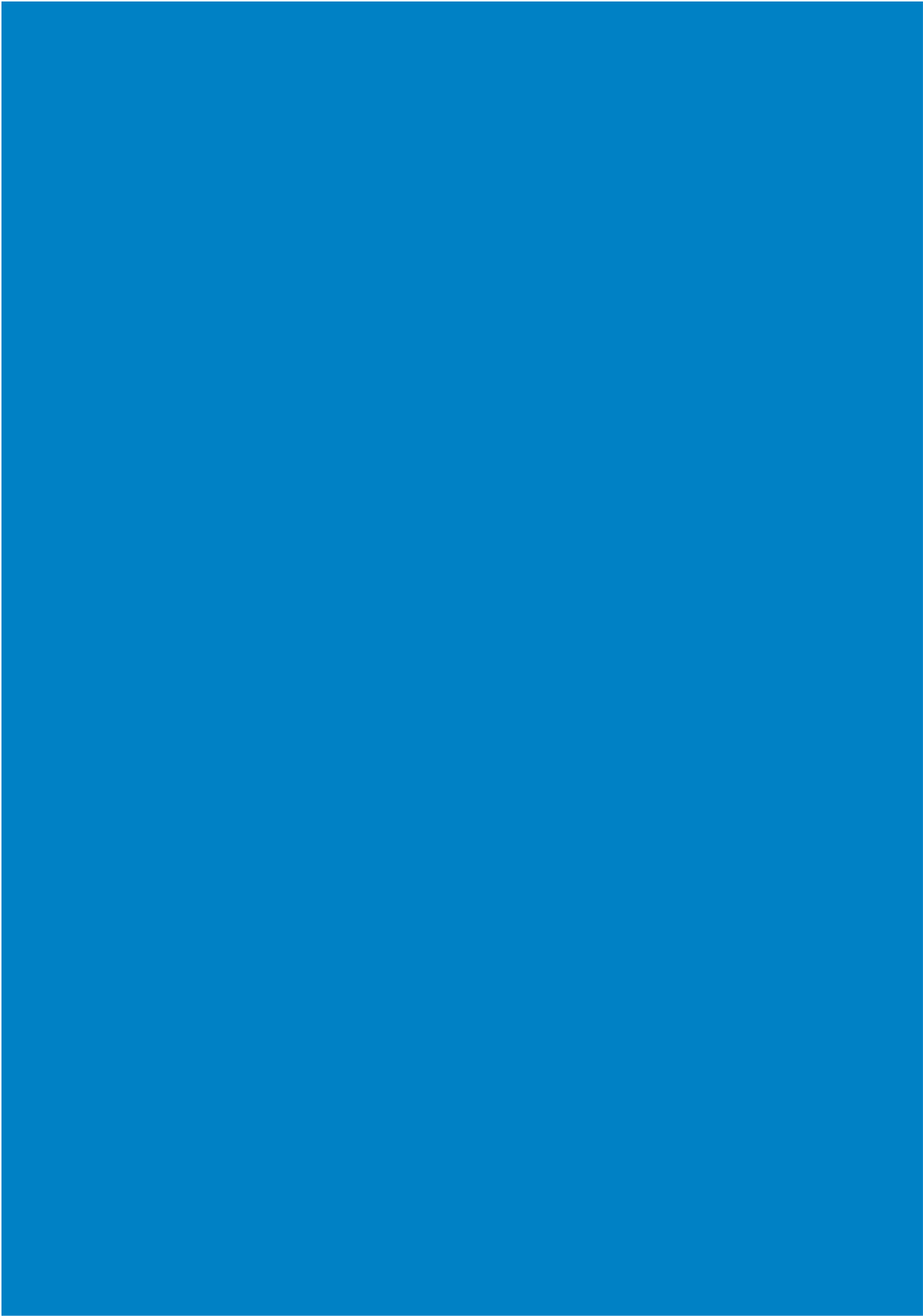
	Qu 2: When do you usually visit the pool?
1	Whenever I feel like it, generally first or last light
2	Whenever the surf is to big at Coogee beach.
3	spring and summer

	Qu 3: What do you mostly do at the pool?
1	All of the above. Love this place and its versatility.
2	Walk, sit,
3	With Children, my own swimming, and with friends recreational
4	My own swimming and family activities with children
5	Picnic
6	Swim in the ocean beside the pool
7	Picnic
8	Swim (Summer) but walk around pool edge all year round as part of our 'laps' around Malabar foreshore and the Golf Course.
9	As the water is unenticing I just walk around perimeter
10	sun bathe and paddle with accompanied parent on the ramp part of the pool.

	Qu 3: What do you mostly do at the pool?
11	Sun, recreation, swim
12	Picnic
13	I enjoy being at the pool, sitting on the benches and spending time enjoying the views as well as using the pool as indicated.
14	Knee water rehab exercises
15	Snorkelling
16	Spearfish in ocean
17	Walk around and swim
18	exercise in the water
19	Walk around and do stretches

	Qu 4: Which best describes who you use the pool with?
1	I swim alone, with friends or with family
2	Paddle with elderly family member

CS45/20



## Director City Services Report No. CS46/20

**Subject: Dangar Street, Randwick - Traffic Matters**

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### Executive Summary

- In 2019 Council passed a resolution concerning motorist behaviour along Dangar Street, Randwick.
- Traffic count and speed data was gathered for Dangar Street, following resident concerns and the Council resolution.
- The data revealed that the vast majority of motorists are driving at appropriate speeds, however, given that there were a few 'speeding' motorists, the data was referred to the Police for possible enforcement.
- New signage limiting buses from accessing Dangar Street at night will be installed.

### Recommendation

That it be noted that:

- a) Dangar Street traffic survey data indicates that only a small number of motorists are exceeding the speed limit along Dangar Street
- b) the Dangar Street traffic count data has been referred to the Police for possible speed enforcement of the small number of motorists exceeding the speed limit, and
- c) signage banning buses (and other large vehicles) at night is being installed.

### Attachment/s:

Nil

CS46/20



## Purpose

In April 2019 the Council resolved:

*“(Shurey/Hamilton) that Council notes that residents have concerns over speeding buses in Dangar Street and resolves to consider street calming measures for Dangar Street in consultation with residents, interested Councilors and the local Precinct Committee. In addition, consult with the State Transit Authority about the speeding of buses.”*

This report addresses the above resolution.

## Discussion

Subsequent to Council's resolution, speed counts were undertaken, and the results were reported to the Traffic Committee.

The results of the survey are shown below:

### Speed & Traffic Data - Dangar Street, Randwick (near no.26 - between King Street and White Street)

Data	Northbound	Southbound
Weekly 50th%ile speed (km/h)	46.4	43.0
Weekly 85th%ile speed (km/h)	54.8	50.4
Five day - daily traffic flow	2061	1545
Seven day - daily traffic flow	2135	1619

From the above data, it is evident that motorists are, generally, driving below the 50 km/h speed limit. However, as there is a small percentage of motorists (especially northbound traffic) who are driving above the speed limit, it was recommended to forward the data, containing the detailed traffic count results, to the NSW Police for appropriate action.

Regarding the night-time use of Dangar Street by buses accessing the nearby Randwick Bus Depot, the STA had agreed, some time ago, to signpost an evening hours bus ban. The STA agreed to signpost this travel restriction for buses and to ensure its drivers comply with such restrictions. It would seem, however, that the agreed STA signage was either not installed or has been removed.

To improve the amenity of the residents, the Traffic Committee has also endorsed the installation of a 4.5 tonne limit on Dangar Street, between the hours of 9:00pm and 6:00am. Subsequently the mandated Traffic Management Plan (TMP) was forwarded to Transport for NSW for approval. Transport for NSW then endorsed the TMP and the relevant signage was ordered. Installation of the relevant signage is imminent.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	9. Integrated and accessible transport.
Direction	9d. Residential amenity is protected by appropriate traffic management.

## Resourcing Strategy implications

Council's Infrastructure Services Department has funds allocated for the installation of traffic signage. The expected cost is less than \$1,000.

## Conclusion

Given that the traffic count data indicated only a small number of vehicles are exceeding the speed limit, the referral of the speed data to the Police, for possible enforcement, was considered appropriate. Also, it is considered that the approved installation of signage limiting buses from accessing Dangar Street at night is also appropriate.

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**Responsible officer:** Tony Lehmann, Manager Integrated Transport

**File Reference:** F2006/00050



## Director Corporate Services Report No. CO51/20

**Subject:** 2019-20 Disclosure of Interests Returns

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### Executive Summary

- Disclosure of Interests Returns from Councillors and Designated Officers are due annually on 30 September.
- The General Manager is required to keep a Register of Disclosure of Interests Returns and to table the Register at the first Council meeting after the due date.

### Recommendation

That it be noted that the Register of Disclosure of Interests Returns for 2019-20 has been tabled at the Ordinary Council Meeting of 27 October 2020.

### Attachment/s:

Nil

CO51/20

## Purpose

To table the Register of Disclosure of Interests Returns for 2019-20 in accordance with the requirements of the Code of Conduct.

## Discussion

In tabling the Register of Returns for 2019-20, I report that all Councillors and designated staff have submitted their duly completed returns within the prescribed timeframe.

Anyone is entitled to inspect the 'Returns of the Interests of Councillors, designated persons and delegates' under Government Information (Public Access) Act 2009.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	1. Leadership in sustainability
Direction	1c. Continuous improvement in service delivery based on accountability, transparency and good governance.

## Policy and legislative requirements

Code of Conduct for Councillors - Section 4.9; and  
Code of Conduct for Staff - Section 4.18.

## Conclusion

It is necessary for the Disclosure of Interests Returns (for the period 1 July 2019 to 30 June 2020) to be tabled at this Council Meeting for the purpose of legislative compliance.

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**Responsible officer:** Julie Hartshorn, Senior Administrative Coordinator

**File Reference:** F2020/01361

## Director Corporate Services Report No. CO52/20

**Subject: Investment Report - September 2020**

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### Executive Summary

- This report outlines Council's investment portfolio and performance as at 30 September 2020.
- All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.
- For the month of September, the portfolio provided a return of +0.11% (monthly), outperforming the benchmark AusBond Bank Bill Index return by +0.10%.
- The overweight position to AMP Bank following their credit downgrade in August 2019, from A- to BBB+ is being managed as existing assets mature and favourable sell opportunities are presented.
- Cashflow continues to be monitored daily in light of current COVID-19 pandemic revenue reductions. Investments will be managed to ensure liquidity to meet operational requirements.

### Recommendation

That the Investment Report for September 2020 be received and noted.

### Attachment/s:

1.  Certificate by Responsible Accounting Officer - September 2020

CO52/20



## Purpose

The Local Government (General) Regulation requires a written report to be provided to the Ordinary meeting of the Council giving details of all monies invested and a certificate as to whether or not the investments have been made in accordance with the Act, the regulations and the Council's Investment Policy.

## Discussion

As at 30 September 2020, Council held investments with a market value of \$91.75 million. The portfolio value increased during September by ~\$10.97 million. The increase is representative of a positive cash flow for the month reflecting the net effect of revenue receipts, rates from the instalment due on 30 September, grants and miscellaneous payments, offset by capital works expenditure and other operational payments.

The size of the investment portfolio may vary significantly from month to month as a result of cash flows for the period. Cash outflows (expenditure) are typically relatively stable from one month to another. Cash inflows (income) are cyclical and are largely dependent on the rates instalment due dates and the timing of grant payments including receipts of the Financial Assistance Grants.

Official interest rates have fallen to all-time-lows, and Council will see a decline in interest income over the next 12 months and through to such time when interest rates increase. The RBA expects rates would be low "*for a very long period of time*" and has recently suggested they could cut official rates down to 0.10% (from 0.25%) if required.

The COVID-19 pandemic continues to adversely impact Council's financial position by reducing the funds available for investment. While the overall investment portfolio is at a level comparable to the same time last year, the asset allocation is reflective of the current times. Cash on call is double that usually held as we ensure funds are available to cover additional expenses and reductions in revenue. Reduced levels of cash inflows may sustain until 31 December 2020 while interest on overdue rates and charges remains at 0% p.a. It is anticipated that the level of cash inflows will improve from 1 January 2021 when interest on overdue rates and charges returns at the rate of 7% p.a., although cash inflows are unlikely to increase to pre-pandemic levels in the short term while ratepayers enduring pandemic related financial hardship take extra time to catch up on payments deferred during the interest free period.

The ability to ensure that there is enough cash in the business to operate on a day to day basis will continue to be challenging, as will:

- ensuring that council maintains a balanced operating result;
- ensuring that payments are received on time to control debtors; and
- managing and financing capital projects correctly.

## On Call Funds

On call funds are held to meet Council's immediate cash flow requirements. With the 31 August 2020 rates instalment pushed out to 30 September 2020, the balance of available on call funds was increased to cover the shortfall in income over this period. The current balance of on call funds will be maintained over the next 3 months to ensure liquidity, given the uncertainty around the ability of ratepayers to pay.

Investment	Rating	Balance 1 September 2020	Movement	Balance 30 September 2020	Interest Rate
CBA	AA-	\$10,992,540	-\$3,531,712	\$7,460,828	0.55%
Macquarie Bank	A+	0	\$10,000,000	\$10,000,000	0.90%

## Term Deposits

- At month end, the portfolio included \$45.10 million in term deposits.
- Term Deposits made up 49.15% of the total investment portfolio.
- Five deposit totalling \$8.0 million matured in September.
- Nine new term deposits totaling \$12.5 million were placed during September.
- As at the end of September, the deposit portfolio was yielding 1.22% p.a.

A	Rating	Balance 1 September 2020	Movement	Balance 30 September 2020	Date Invested	Maturity Date	Interest Rate
ING Bank	A	\$2,000,000	-\$2,000,000	0	06/09/2018	09/09/2020	2.85%
ING Bank	A	\$1,000,000	-\$1,000,000	0	20/09/2018	23/09/2020	2.90%
AMP	BBB+	\$1,000,000	0	\$1,000,000	19/11/2018	17/11/2020	2.95%
Westpac	AA-	\$1,500,000	-\$1,500,000	0	22/08/2019	02/09/2020	1.62%
Westpac	AA-	\$1,500,000	-\$1,500,000	0	30/08/2019	30/09/2020	1.58%
Westpac	AA-	\$1,500,000	0	\$1,500,000	30/08/2019	14/10/2020	1.57%
Westpac	AA-	\$2,000,000	-\$2,000,000	0	03/09/2019	16/09/2020	1.57%
Westpac	AA-	\$2,000,000	0	\$2,000,000	03/09/2019	28/10/2020	1.56%
Westpac	AA-	\$1,500,000	0	\$1,500,000	16/09/2019	09/12/2020	1.70%
ING Bank	A	\$2,000,000	0	\$2,000,000	19/11/2019	16/12/2020	1.57%
ING Bank	A	\$1,600,000	0	\$1,600,000	28/11/2019	30/12/2020	1.55%
ING Bank	A	\$2,000,000	0	\$2,000,000	2/12/2019	23/06/2021	1.55%
NAB	AA-	\$1,500,000	0	\$1,500,000	12/12/2019	21/10/2020	1.50%
ING Bank	A	\$2,000,000	0	\$2,000,000	24/02/2020	06/10/2021	1.60%
ING Bank	A	\$2,000,000	0	\$2,000,000	27/02/2020	10/03/2021	1.60%
Macquarie Bank	A+	\$1,500,000	0	\$1,500,000	28/02/2020	06/01/2021	1.50%
NAB	AA-	\$2,000,000	0	\$2,000,000	28/02/2020	17/03/2021	1.40%
ING Bank	A	\$2,000,000	0	\$2,000,000	02/03/2020	31/03/2021	1.50%
Macquarie Bank	A+	\$1,500,000	0	\$1,500,000	02/03/2020	04/11/2020	1.60%
Macquarie Bank	A+	\$1,500,000	0	\$1,500,000	04/03/2020	13/01/2021	1.55%
NAB	AA-	\$1,500,000	0	\$1,500,000	20/08/2020	20/01/2021	0.70%
NAB	AA-	\$1,500,000	0	\$1,500,000	20/08/2020	27/01/2021	0.70%
NAB	AA-	\$2,000,000	0	\$2,000,000	26/08/2020	24/02/2021	0.72%
NAB	AA-	\$2,000,000	0	\$2,000,000	26/08/2020	07/04/2021	0.72%
ICBC	A	0	\$1,000,000	\$1,000,000	21/09/2020	22/09/2021	0.80%
ICBC	A	0	\$1,000,000	\$1,000,000	21/09/2020	16/03/2022	0.83%
ICBC	A	0	\$2,000,000	\$2,000,000	21/09/2020	19/09/2022	0.85%
NAB	AA-	0	\$1,500,000	\$1,500,000	25/09/2020	14/04/2021	0.65%
Suncorp	A+	0	\$1,500,000	\$1,500,000	28/09/2020	21/04/2021	0.60%
CBA	AA-	0	\$1,500,000	\$1,500,000	30/09/2020	28/4/2021	0.65%

C052/20

<b>CBA</b>	AA-	0	\$1,500,000	\$1,500,000	30/09/2020	29/6/2021	0.67%
<b>ICBC</b>	A	0	\$1,500,000	\$1,500,000	30/09/2020	15/9/2021	0.75%
<b>ICBC</b>	A	0	\$1,000,000	\$1,000,000	30/09/2020	12/1/2022	0.80%
<b>Total</b>		<b>\$40,600,000</b>	<b>\$4,500,000</b>	<b>\$45,100,000</b>			

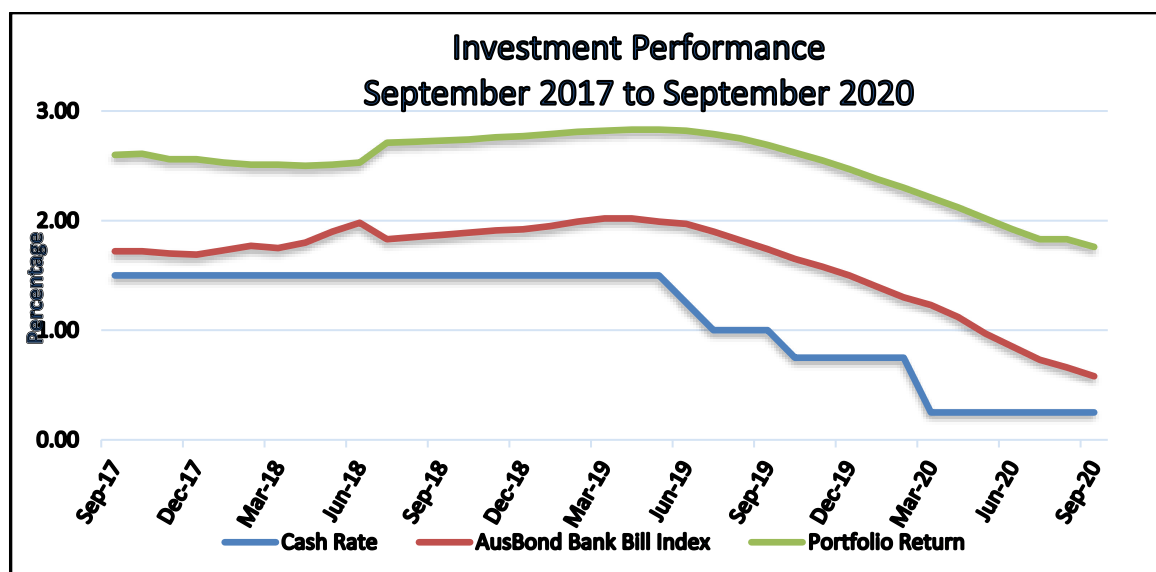
### Floating Rate Notes (FRNs)

- The portfolio includes \$29.192 million in floating rate notes;
- FRNs are classified as “held for trading” and are required to be reported at the latest indicative market valuations at month end.
- The indicative market value of the FRNs as at the 30 September 2020 decreased by ~\$31 thousand.
- There was no trading of FRNs during September.
- Minimal primary issuance from the domestic banks is expected in the immediate future as the RBAs \$200bn term funding facility (TFF) to the ADIs at a rate of 0.25% has now been extended to June 2021.
- The lack of supply from new (primary) issuances has played a major role with the rally in credit markets since the selloff experienced earlier this year.
- Credit margins are now trading very tight on a historical level and look expensive.
- Switches will be looked at as opportunities and new issuances become available.

Investment	Rating	Purchase Price	Indicative Value 30 September 2020	Date Invested	Maturity Date	Interest Rate
<b>Suncorp</b>	A+	\$2,000,000	\$2,021,998	16/08/2017	16/08/2022	90D BBSW + 97 bpts
<b>NAB</b>	AA-	\$2,000,000	\$2,029,892	16/05/2018	16/05/2023	90D BBSW + 90 bpts
<b>CBA</b>	AA-	\$1,500,000	\$1,525,031	16/08/2018	16/08/2023	90D BBSW + 93 bpts
<b>NAB</b>	AA-	\$3,000,000	\$3,049,152	26/09/2018	26/09/2023	90D BBSW + 93 bpts
<b>NAB</b>	AA-	\$2,000,000	\$2,032,768	09/11/2018	26/09/2023	90D BBSW + 93 bpts
<b>Westpac</b>	AA-	\$2,000,000	\$2,035,404	16/11/2018	16/11/2023	90D BBSW + 95 bpts
<b>CBA</b>	AA-	\$3,000,000	\$3,070,890	11/01/2019	11/01/2024	90D BBSW + 113 bpts
<b>NAB</b>	AA-	\$3,000,000	\$3,061,737	26/02/2019	26/02/2024	90D BBSW + 104 bpts
<b>AMP</b>	BBB+	\$992,820	\$997,039	21/03/2019	30/03/2022	90D BBSW + 129 bpts
<b>Macquarie Bank</b>	A+	\$2,000,000	\$2,015,426	07/08/2019	07/08/2024	90D BBSW + 80 bpts
<b>Citibank</b>	A+	\$1,000,000	\$1,003,111	14/11/2019	14/11/2024	90D BBSW + 88 bpts
<b>NAB</b>	AA-	\$2,000,000	\$2,025,116	21/01/2021	21/01/2025	90D BBSW + 77 bpts
<b>Macquarie Bank</b>	A+	\$2,000,000	\$2,019,120	12/02/2020	12/02/2025	90D BBSW + 84 bpts
<b>UBS</b>	A+	\$1,300,000	\$1,305,190	30/7/2020	30/07/2025	90D BBSW + 87 bpts
<b>Bank of China</b>	A	\$1,000,000	\$1,000,051	18/08/2020	18/08/2023	90D BBSW + 80 bpts
<b>Total</b>		<b>\$28,792,820</b>	<b>\$29,191,925</b>			

### Performance

The following graph shows the investment returns achieved against the AusBond Bank Bill Index and the official Reserve Bank of Australia (RBA) cash interest rate for the period September 2017 to September 2020.



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For the month of September, the total portfolio of term deposits (T/Ds) and floating rate notes (FRNs) provided a solid return of +0.11% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.10% (actual). The outperformance continues to be driven by a combination of deposits that were originally invested longer than 6 months, as well as the higher yielding FRNs locked in at attractive margins and sold prior to maturity, realising small capital gains and boosting returns.

With deposit rates plummeting, and in the current low interest rate environment future maturities are likely to be reinvested at lower prevailing rates. The FRN portfolio's performance (on an accrual basis) has started to narrow the gap compared to the deposit portfolio, as evidenced by the returns over the past 12 months. This has partially been attributed to the strategic sales, realising capital gains and then switching proceeds into higher yielding (new) FRNs. This is likely to reverse following the multiple rate cuts delivered over the past year.

Over the past year, the combined term deposit and FRN portfolio returned 1.76% p.a., outperforming bank bills by 1.17% p.a. The overall return remains solid given deposit rates have again surpassed their all-time lows following the RBA's recent successive interest rate cuts.

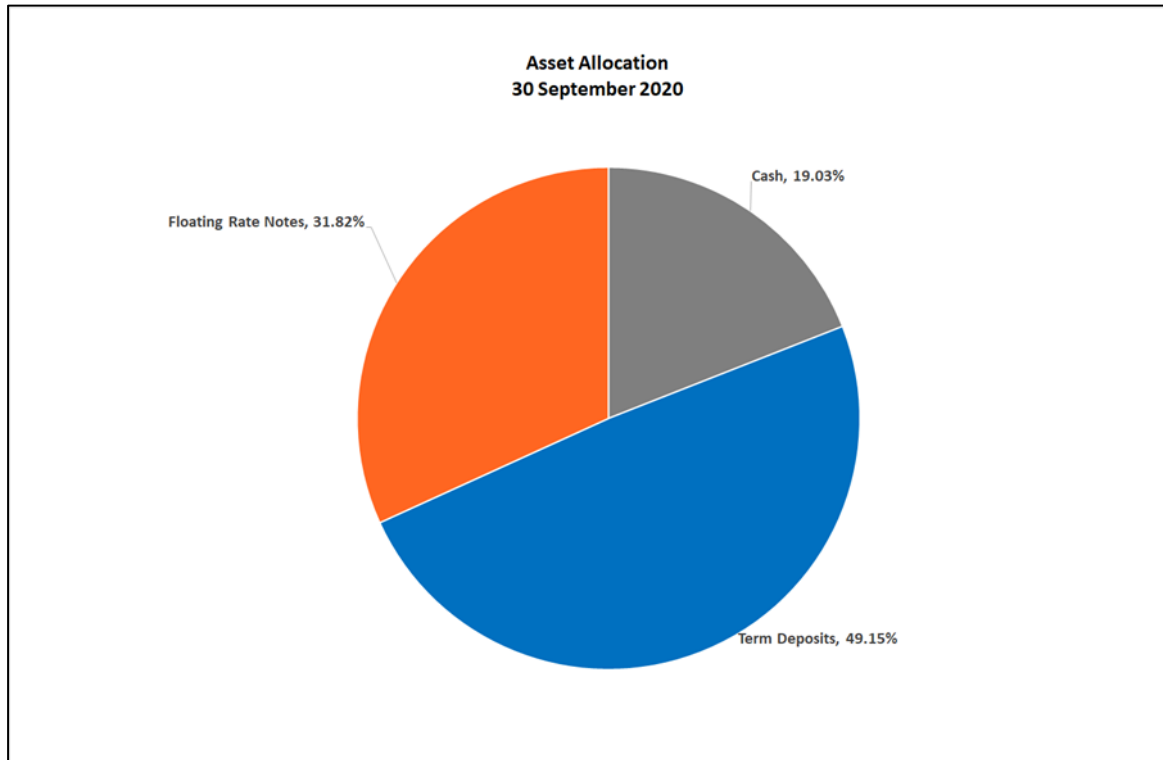
The RBA official cash rate of 0.25%, remains unchanged at the latest meeting of 6<sup>th</sup> October, although there is potential to cut the rate down to 0.10% if required in order for the RBA to reach its objective of full employment and inflation..(Note: With the economic impact of the COVID-19 pandemic, we are unlikely to see the unemployment rate down to 4.5% and inflation within their 2-3% target band any time soon).

Performance	1 month	3 months	6 months	FYTD	1 year	2 year
<b>Official Cash Rate</b>	0.02%	0.06%	0.13%	0.06%	0.46%	0.90%
<b>AusBond Bank Bill Index</b>	0.01%	0.03%	0.09%	0.03 %	0.58%	1.16%
<b>Council's T/D Portfolio</b>	0.12%	0.41%	0.86%	0.41%	1.81%	2.26%
<b>Council's FRN Portfolio</b>	0.17%	0.36%	0.71%	0.36%	1.68%	2.27%
<b>Council's Portfolio</b>	0.11%	0.39%	0.79%	0.39%	1.76%	2.27%
<b>Outperformance</b>	0.10%	0.36%	0.70%	0.36%	1.17%	1.11%

## Council's Portfolio & Compliance

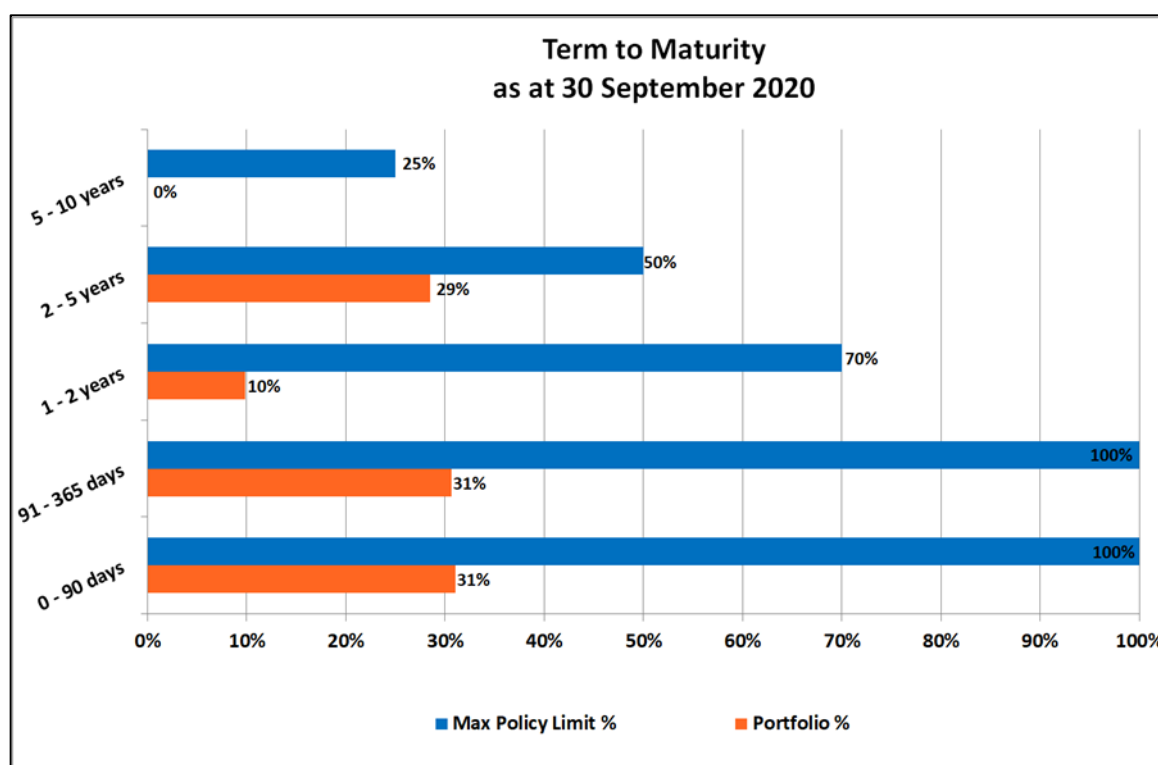
### Asset Allocation

Most of the portfolio is spread between term deposits (49.15%) and senior floating rate notes (31.82%). The remainder of the portfolio is held in the overnight cash accounts with CBA (19.03%). The FRNs add additional liquidity and are generally accessible within 2-3 business days. FRNs are also dominated by the higher rated ADIs which allows Council to maintain a bias towards the higher rated banks.



### Term to Maturity

The portfolio remains diversified from a maturity perspective with a spread of maturities out to 5 years. Medium-term (2-5 years) assets account for around 29% of the total investment portfolio.



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Compliant	Horizon	Invested	%	Min Limit	Max Limit
✓	0-90 days	\$28,460,828	31.02%	10%	100%
✓	91-365 days	\$28,100,000	30.63%	20%	100%
✓	1-2 years	\$9,019,037	9.83%	0%	70%
✓	2-5 years	\$26,172,888	28.53%	0%	50%
✓	5-10 years	\$0	0.00%	0%	25%

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of the Council's portfolio. Independent advice is sought on new investment opportunities.

### Credit Quality

As at the end of September, applying the long-term S&P ratings only, Council had an overweight position to AMP Bank following their credit downgrade on 27th August 2019, from A- to BBB+. Their short-term rating remains unchanged at A-2. This downgrade was a result of AMP Group selling its life insurance arm. S&P believed that the group's profits will be less diversified going forward due to this sale.

AMP Bank investments held at time of ratings downgrade:	\$8,981,125
Balance of holdings as at 30 September 2020:	\$1,997,039

This overweight position is being managed as existing assets mature and rebalanced accordingly. With Council's advisors advising "investors holding any senior-ranking assets (cash, term deposits or senior securities – FRNs or bonds) with AMP Bank should not be concerned given they continue to have a robust balance sheet with their level of capital remaining above the minimum regulatory requirement set by APRA."



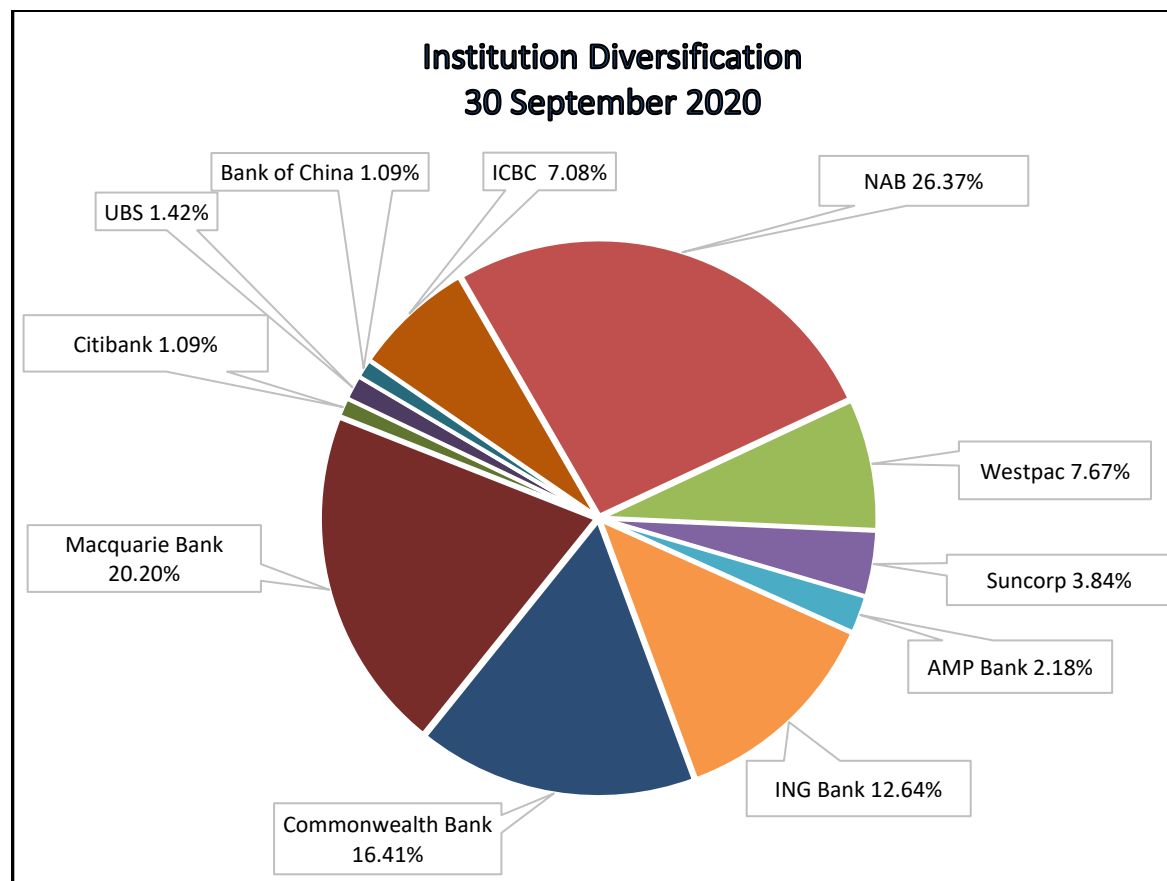
Compliant	Rating	Invested	Invested	Max. Limit	Available
✓	AA Category	\$46,290,818	50.45%	100%	\$45,461,936
✓	A Category	\$43,464,897	47.37%	80%	\$29,937,306
✗	BBB Category	\$1,997,506	2.18%	0.00%	-\$1,997,039
✓	Unrated ADIs	\$0.00	0.00%	0.00%	\$0

*Under the Financial Claims Scheme (FCS), the first \$250,000 is guaranteed by the Federal Government (rated AAA by S&P), per investor, per ADI*

### Counterparty

The table below shows the individual counterparty exposures against Council's current investment policy based on long term S&P ratings.

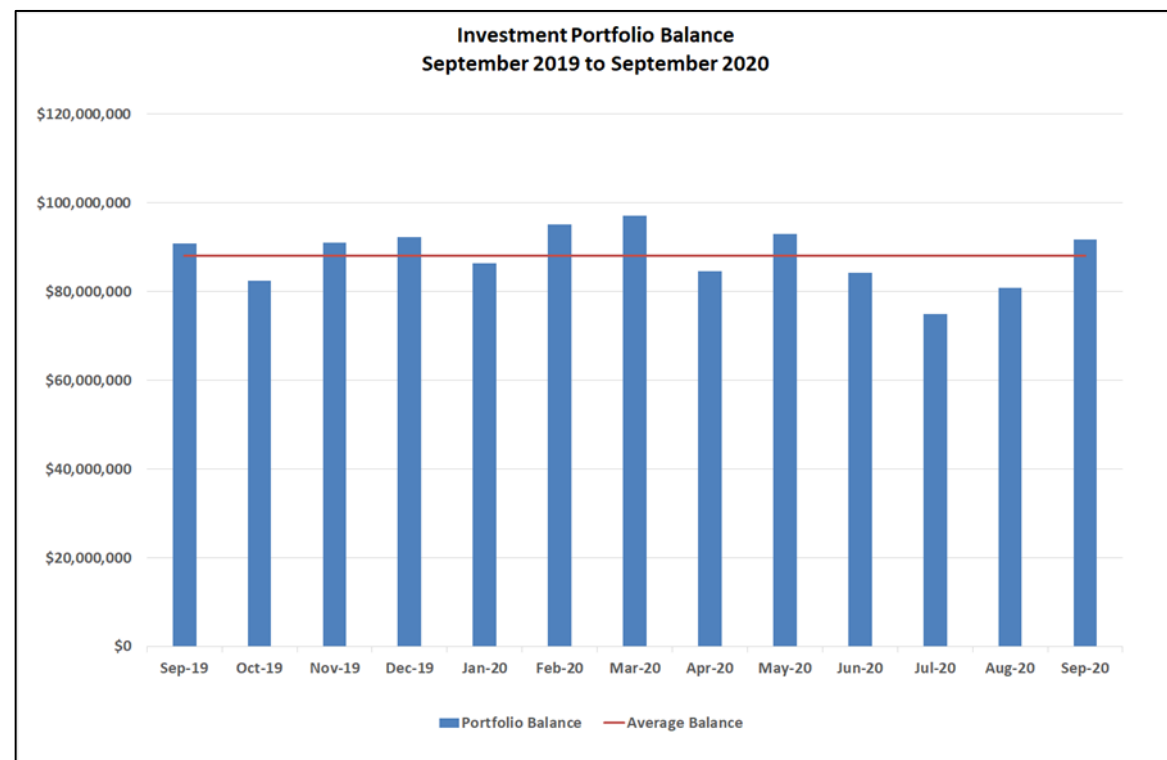
Compliant	Issuer	Rating	Invested	%	Max. Limit	Available
✓	CBA	AA-	\$15,056,749	16.41%	40%	\$21,644,353
✓	NAB	AA-	\$24,198,665	26.37%	40%	\$12,502,436
✓	Westpac	AA-	\$7,035,404	7.67%	40%	\$29,665,697
✓	Citibank	A+	\$1,003,111	1.09%	25%	\$21,935,077
✓	Suncorp	A+	\$3,521,998	3.84%	25%	\$19,416,190
✓	UBS	A+	\$1,305,191	1.42%	25%	\$21,632,998
✓	ING Bank	A	\$11,600,000	12.64%	25%	\$11,338,188
✓	Bank of China	A	\$1,000,051	1.09%	25%	\$21,938,137
✓	Macquarie Bank	A	\$18,534,546	20.20%	25%	\$4,403,642
✓	ICBC Sydney	A	\$6,500,000	7.08%	25%	\$16,438,188
✗	AMP Bank	BBB+	\$1,997,039	2.18%	0%	-\$1,997,039



C052/20

## Portfolio Balance

The following graph illustrates the movement in the investment portfolio from September 2019 to September 2020.



## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	1. Leadership in sustainability
Direction	1a. Council has a long-term vision based on sustainability.

## Resourcing Strategy implications

The budget provision for investment income is \$1,060,575.00. Income received to 30 September 2020 is \$249,353.98.

## Policy and legislative requirements

Council is authorised by Section 625 of the Local Government Act to invest its surplus funds. Funds may only be invested in the form of investment notified by Order of the Minister dated 12 January 2011. The Local Government (General) Regulation prescribes the records that must be maintained in relation to Council's Investment Policy.

## Conclusion

Funds are invested with the aim of achieving budgeted income in the 2020-21 financial year and outperforming the AusBond Bank Bill Index over a 12-month period.

All investments as at 30 September 2020 have been made in accordance with the Local Government Act, the regulations and Council's Investment Policy.

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**Responsible officer:** Gail Johnston, Financial Operations Accountant

**File Reference:** F2016/06527

## Randwick City Council

### Investments


for the period ending 30 September 2020

### Certificate by Responsible Accounting Officer made pursuant to Clause 212(1)(b) of the Local Government (General) Regulations 2005

I hereby certify that all investments as at 30 September 2020 have been made in accordance with Council's Investment Policy (adopted Nov 2019).

I hereby certify that all investments as at 30 September 2020 meet the requirements of section 625 of the *Local Government Act 1993* including the Ministerial Investment Order (2011).

I hereby certify that all investments as at 30 September 2020, and this investment report, meet the requirements of clause 212 of the *Local Government (General) Regulation 2005*.

  
\_\_\_\_\_  
Greg Byrne  
RESPONSIBLE ACCOUNTING OFFICER

7 October 2020  
\_\_\_\_\_  
Date



## Director Corporate Services Report No. CO53/20

**Subject: Monthly Financial Report as at 30 September 2020**

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### Executive Summary

- Monthly Financial Reports are produced as a means of monitoring the financial performance of the Council and ensuring that all appropriate financial controls are being adhered to.
- Council's liquidity remains sound as at 30 September 2020, with capacity to meet short term obligations as they fall due.
- Council's Chief Financial Officer, as the Responsible Accounting Officer, advises that the projected financial position is satisfactory.

### Recommendation

That the monthly financial report as at 30 September 2020 be received and noted.

### Attachment/s:

1.  Monthly Financial Statements - Income Statement - September 2020
2.  Monthly Financial Statements - Balance Sheet Statement - September 2020
3.  Monthly Financial Statements - Cash Flow Statement - September 2020

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## Purpose

Section 202 of Local Government (General) Regulation 2005 requires that the responsible accounting officer of a council must:

- a) establish and maintain a system of budgetary control that will enable the Council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the Council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.

## Discussion

This report provides the financial results of the Council as at 30 September 2020.

### 2020-21 Financial Performance Summary

	Original 2020-21 Budget	2020-21 September YTD
Income from continuing operations	\$158,515,000	\$44,565,873
Expenses from continuing operations	\$154,658,000	\$36,539,950
Net operating result for 2020-21	\$3,857,000	\$8,025,923

- **Income Statement (Attachment 1):**  
Summarises the Council's financial performance for financial year to date (YTD), listing all income and expenses.
- **Balance Sheet (Attachment 2):**  
Provides a month end snapshot of Council's financial position, indicating its assets, liabilities and equity ("net wealth").
- **Cash Flow Statement (Attachment 3):**  
Indicates where Council's cash came from and where it was spent.

Council's liquidity remains sound as at 30 September 2020, with capacity to meet short term obligations as they fall due.

Council's budgeted incomes include:

- rates and annual charges;
- user fees and charges;
- interest and investment; and
- grants and contributions.

Rates and user charges make up close to 90% of all incomes – 2020/21 (89%) and 2019/20 (88%). At the end of September 2020, actual incomes received during the first quarter are above (\$4.938 million) our budgeted quarterly income and provide a reasonably solid cashflow position.

The current ratio is a comparison of current assets to current liabilities. The current ratio is a liquidity ratio that measures Council's ability to pay short-term obligations or those due within one year. The current ratio as at 30 September 2020 is 2.93 compared to 2.51 as at 30 June 2020. This reflects cash reserves held ahead of capital works expenditure.

## Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome/Direction	Delivery Program actions
Outcome	1. Leadership in sustainability

## Resourcing Strategy implications

The adopted 2020-21 annual budget, incorporating the anticipated financial implications of the ongoing Community Support Package COVID-19

## Policy and legislative requirements

Section 202 of Local Government (General) Regulation 2005.

## Conclusion

The Council's Chief Financial Officer, as the Responsible Accounting Officer, advises that the projected financial position is satisfactory.

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**Responsible officer:** Fong Wee, Leader Financial Management

**File Reference:** F2018/00384



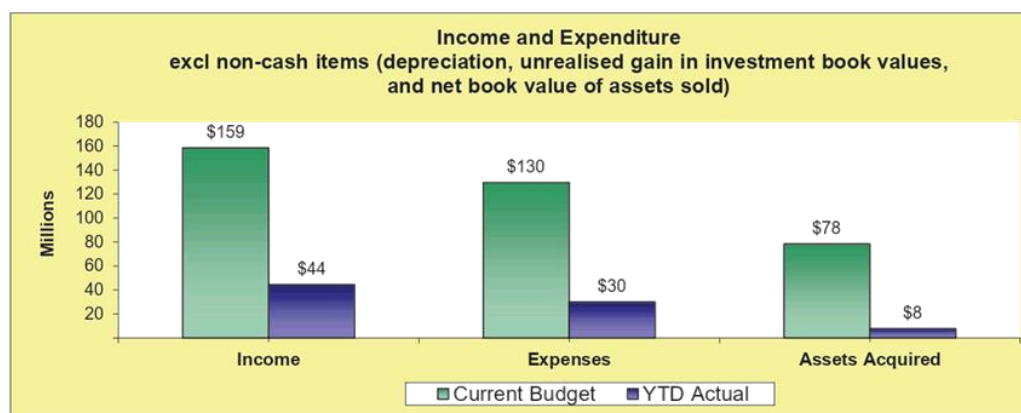


## INCOME STATEMENT

for the financial year as at 30 September 2020

% OF YEAR EXPIRED	25 %
-------------------------	---------

	Original Budget (\$'000s)	Current Budget (\$'000s)	YTD Actuals (\$'000s)	% of Budget Spent/Earned
<b>EXPENSES FROM CONTINUING OPERATIONS</b>				
Employee Costs	70,106	70,106	15,345	21.9%
Borrowing Costs	354	354	-	0.0%
Materials and Contracts	42,104	42,919	9,070	21.1%
Depreciation and Amortisation	25,998	25,998	6,504	25.0%
Other Operating Expenses	16,096	16,231	5,589	34.4%
Loss on Disposal of Infrastructure Assets	-	-	31	0.0%
<b>Total Expenses from Continuing Operations</b>	<b>154,658</b>	<b>155,608</b>	<b>36,540</b>	<b>23.5%</b>
<b>INCOME FROM CONTINUING OPERATIONS</b>				
Rates and Annual Charges	128,813	128,813	35,575	27.6%
User Charges and Fees	12,821	12,821	4,142	32.3%
Interest	1,301	1,301	398	30.6%
Other Revenues	6,214	6,214	1,413	22.7%
Operating Grants and Contributions	6,876	6,876	1,974	28.7%
Capital Grants and Contributions	2,491	2,491	931	37.4%
Gain on Disposal of Plant & Fleet Assets	-	-	133	
<b>Total Income from Continuing Operations</b>	<b>158,515</b>	<b>158,515</b>	<b>44,566</b>	<b>28.1%</b>
<b>Net Operating Result - Surplus/(Deficit)</b>	<b>3,857</b>	<b>2,907</b>	<b>8,026</b>	
<b>FUNDING STATEMENT</b>				
<b>SOURCE OF FUNDS</b>				
Surplus/(Deficit) from Operations - Accrual	3,857	2,907	8,026	276.1%
<b>Add Back Non-Funded Transactions included in Operations above</b>				
- Depreciation	25,998	25,998	6,504	25.0%
- Sales of Assets (Book Value)	1,686	1,686	232	13.7%
- Transfer from Internal Reserves	9,425	20,778	2,520	12.1%
- Transfer from External Reserves	5,988	17,104	3,524	20.6%
- Unrealised Gain/(Loss) on Market Value of Investments	-	-	124	0.0%
- Loan Borrowings	14,500	14,500		0.0%
<b>Net Funds Available</b>	<b>61,454</b>	<b>82,973</b>	<b>20,681</b>	<b>24.9%</b>
<b>APPLICATION OF FUNDS</b>				
Assets Acquired	56,962	78,481	7,767	9.9%
Loan Principal Repayment	1,293	1,293	-	0.0%
Transfer to Internal Reserves	1,710	1,710	1,885	110.2%
Transfer to External Reserves	1,287	1,287	2,713	210.9%
<b>Total Funds Applied</b>	<b>61,252</b>	<b>82,771</b>	<b>12,366</b>	<b>14.9%</b>
<b>Total Funds Surplus/(Deficit)</b>	<b>202</b>	<b>202</b>	<b>8,316</b>	



C053/20



## BALANCE SHEET

### at 30 September 2020

	Actual as at 30 September 2020 (\$'000s)	Actual as at 30 June 2019 (\$'000s)
<b>CURRENT ASSETS</b>		
Cash, Cash Equivalents & Investments	91,804	84,519
Receivables	6,951	10,537
Inventories	649	627
Other	-	748
<b>TOTAL CURRENT ASSETS</b>	<b>99,404</b>	<b>96,431</b>
<b>NON-CURRENT ASSETS</b>		
Investments	8	8
Receivables		502
Infrastructure, Property, Plant & Equipment	1,830,018	1,829,018
Right of Use Asset	238	238
<b>TOTAL NON-CURRENT ASSETS</b>	<b>1,830,263</b>	<b>1,829,765</b>
<b>TOTAL ASSETS</b>	<b>1,929,667</b>	<b>1,926,196</b>
<b>CURRENT LIABILITIES</b>		
Payables & Prepayments	13,411	18,570
Provisions	20,505	19,901
<b>TOTAL CURRENT LIABILITIES</b>	<b>33,916</b>	<b>38,471</b>
<b>NON-CURRENT LIABILITIES</b>		
Lease Liabilities	242	242
Provisions	262	262
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>504</b>	<b>504</b>
<b>TOTAL LIABILITIES</b>	<b>34,420</b>	<b>38,975</b>
<b>NET ASSETS</b>	<b>1,895,247</b>	<b>1,887,221</b>
<b>EQUITY</b>		
Retained Earnings	848,391	840,365
Revaluation Reserves	1,046,855	1,046,855
<b>TOTAL EQUITY</b>	<b>1,895,247</b>	<b>1,887,221</b>

## STATEMENT OF CASH FLOW

### at 30 September 2020

	Actual as at 30 September 2020 (\$'000)	Draft Actual as at 30 June 2020 (\$'000)
<b>Cash Flows from Operating Activities</b>		
<u>Receipts:</u>		
Rates & Annual Charges	38,812	120,111
User Charges & Fees	3,443	18,728
Investment & Interest Revenue Received	470	1,917
Grants & Contributions	3,340	13,223
Bonds, Deposits & Retention amounts received	530	2,357
Other	1,381	15,887
<u>Payments:</u>		
Employee Benefits & On-Costs	(16,351)	(65,133)
Materials & Contracts	(8,588)	(50,978)
Borrowing Costs		(6)
Bonds, Deposits & Retention amounts refunded	(343)	(1,615)
Other	(8,008)	(15,051)
<b>Net Cash provided (or used in) Operating Activities</b>	<b>14,686</b>	<b>39,440</b>
<b>Cash Flows from Investing Activities</b>		
<u>Receipts:</u>		
Sale of Investment Securities	20,565	60,074
Sale of Infrastructure, Property, Plant & Equipment	365	1,050
<u>Payments:</u>		
Purchase of Investment Securities	(21,949)	(68,627)
Purchase of Infrastructure, Property, Plant & Equipment	(7,767)	(25,774)
<b>Net Cash provided (or used in) Investing Activities</b>	<b>(8,786)</b>	<b>(33,277)</b>
<b>Cash Flows from Financing Activities</b>		
<u>Receipts:</u>		
Nil		
<u>Payments:</u>		
Nil		-
<b>Net Cash Flow provided (used in) Financing Activities</b>	<b>0</b>	<b>0</b>
<b>Net Increase/(Decrease) in Cash &amp; Cash Equivalents</b>	<b>5,899</b>	<b>6,163</b>
<b>plus: Cash &amp; Cash Equivalents - beginning of year</b>	<b>11,612</b>	<b>5,449</b>
<b>Cash &amp; Cash Equivalents - end of the period/year</b>	<b>17,511</b>	<b>11,612</b>
Additional Information:		
<b>plus: Investments on hand - end of period/year</b>	<b>74,292</b>	<b>72,907</b>
<b>Total Cash, Cash Equivalents &amp; Investments</b>	<b>91,803</b>	<b>84,519</b>





## Motion Pursuant to Notice No. NM64/20

**Subject:** Notice of Motion from Cr Stavrinou - Investigation into parking options for scooter-delivery services

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**Motion:**

That Council:

- a) bring back a report investigating ways in dealing with the parking issues being created by the ever increasing number of Scooter-Delivery Services operating across the Randwick LGA; and
- b) as part of this report, investigate the feasibility of allowing scooter services to use loading zones for parking.

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**Submitted by:** Councillor Stavrinou, West Ward

**File Reference:** F2016/00303

NM64/20



## Motion Pursuant to Notice No. NM65/20

**Subject:** Notice of Motion from Cr Veitch - Incentives to reduce household waste and related fees

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**Motion:**

That Council receive a report detailing options and recommendations to create financial incentives for reducing household waste through Council's domestic waste services fee structure and smart bin technology.

**Background:**

Council has a range of initiatives to reduce waste to landfill through the FOGO trial and forthcoming FOGO program, though the Randwick Recycling Centre and other initiatives as detailed in the 2017-2030 Waste Management Strategy;

Residents pay a standard annual fee of \$604.75 for weekly collection of one 140L red-lid garbage bin, one 240L yellow-lid recycling bin, and fortnightly collection of one 240L green waste bins per single residential dwelling one 240L garbage bin and one 240L recycling bin for shared use between two units in multi-unit dwellings, as well as one scheduled, and seven on call on call clean-up collections and access to the Recycling Centre;

Our current waste collection fee system does not provide any financial incentives for reducing household waste, as every household is charged the same fee regardless of the amount of waste they produce. Both existing and new bins fitted with RDIF tags can potentially provide data that could allow council to reward households by reducing the fees of those who cut down on their waste.

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**Submitted by:** Councillor Veitch, West Ward

**File Reference:** F2008/00383



## Motion Pursuant to Notice No. NM66/20

**Subject:** Notice of Motion from Cr Veitch - Resident requests for a timed off-leash dog walking area in Kensington Park or Oval

---

**Motion:**

That Council:

- a) notes resident requests, including a petition with over 200 signatures requesting that council establish a timed off-leash dog walking area in Kensington Park or Oval; and
- b) conduct a community consultation, and receive a report on the feasibility of conducting a trial of a timed off-leash dog walking area in Kensington Park or Oval.

**Background:**

Kensington Park and Kensington Oval are used by many local residents for a range of different activities. Local dog owners have expressed their strong interest in seeking a way to make responsible use of the park or oval for timed off-leash dog walking.

Kensington Park is surrounded by residential dwellings. The areas between Gardeners Road, Anzac Parade, Todman Avenue and The Australian Golf Club consist almost exclusively of family dwellings on medium size plots. An estimated 40% of Australian households own a dog, meaning that more than one in every three houses in this area is likely to have a dog. In addition, many local residents living in apartments also have pet dogs, and it is anticipated that the number of dogs living in apartment buildings will continue to increase following recent amendments to the model bylaws contained in the Strata Schemes Management legislation which permit residents to have pets in apartment buildings.

There is a diverse mix of residents in Kingsford and Kensington, with high numbers of university students, long term elderly residents and young families.

The off-lead dog parks that are closest to Kensington Park are Astrolabe Park, Daceyville, Paine Reserve, Randwick, and Centennial Park.

These parks are an average 20 minute walk from the area surrounding Kensington Park, and can only be reached by crossing a major road. To walk to Astrolabe park residents must cross Gardeners Rd. This is a busy, divided six lane road which now connects to a major motorway. There are limited pedestrian crossings in this vicinity which means that it is necessary to walk even further to safely cross this major road. Paine Reserve is a fifteen-plus minute walk up a very steep hill. Residents wishing to access Paine Reserve or Centennial Park must cross Anzac Pde and / or Alison Rd and the light rail, adding a further barrier to movement. Accordingly, these parks are not readily accessible for many people living in the area without a car. Many of the elderly residents do not drive, and many of the student residents do not own a car. Further, many residents lack the ability to lift their dogs into a car due to their own ability or the size of their dog.

There are a range of community benefits associated with providing off-lead dog parks, including improved social connections for pet owners and others in their neighbourhood, improved socialisation opportunities for dogs and a reduction in pet surrenders.

A community consultation and report would allow all interested local residents and park users the opportunity to indicate whether or not they support the continued use of the park on this or some other basis.

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**Submitted by:** Councillor Veitch, West Ward  
**File Reference:** F2011/00464

NM66/20





## Motion Pursuant to Notice No. NM67/20

**Subject: Notice of Motion from Cr Veitch - Request for support from the Australian Kurdish Community for elected local government officials in Turkey**

### Motion:

That Council:

- a) recognises that local government is an important layer of democracy in all countries;
- b) notes that twenty three popularly elected Mayors in Turkey have been stripped of office and put on trial for alleged 'terrorist offences';
- c) responds to the urgent request from the Australian Kurdish community and the head of the Federation of Democratic Kurdish Associations Mr Ismet Tastan for support from Australian local, state and federal jurisdictions;
- d) adopts part of the motion passed by the European Parliament in September 2019 that:
  - a. condemns the decision made by the Turkish authorities to remove democratically elected mayors from office on the basis of questionable evidence; stresses that these actions continue to undermine the ability of the political opposition to exercise their rights and fulfil their democratic roles; and
  - b. calls on the Turkish authorities to reinstate all mayors and other elected officials who won local elections on 31 March 2019 and were prevented from assuming office or were dismissed or replaced with unelected trustees on the basis of unsubstantiated allegations.
- e) forwards a copy of this resolution to the Turkish Ambassador, the Turkish Consul General, the Australian Foreign Minister The Hon. Marise Payne MP, local Federal Members the Hon. Matt Thistlethwaite MP, the Hon. Dave Sharma MP and Kurdish community organisations; and
- f) provides for community references the following links to the European Parliament resolution: [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0017\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0017_EN.pdf) and the Human Rights Watch article: <https://www.hrw.org/news/2020/02/07/turkey-kurdish-mayors-removal-violates-voters-rights>

### Background:

Kurdistan, Arabic Kurdistān, Persian Kordestān, is a geographic region traditionally inhabited mainly by Kurds. It consists of an extensive plateau and mountain area, spread over large parts of what are now eastern Turkey, northern Iraq, and western Iran and smaller parts of northern Syria and Armenia. At the end of World War I, it was divided among Iraq, Iran, Syria, and Turkey, where the culture is suppressed. Kurdish migrants began arriving in Australia in the 1960s, mostly from Turkey. In the 1980s and 1990s, others came to Australia as refugees escaping the Iran-Iraq war and the Gulf War. In 2016 census, the number of people who identified as a Kurd in Australia was 10,528.

In 2019, Australia's Kurdish community was devastated by the sudden withdrawal of US troops from north-east Syria, effectively greenlighting a long promised military operation by Turkey to clear the area on its border of what it alleges are insurgent Kurdish forces.

But the Kurdish community in Australia says the allegations of terrorism are fabrications, and that the Turkish operation has far broader objectives: they fear a genocide.

Dismissals and detention of Kurdish mayors from the pro-Kurdish Peoples' Democratic Party (HDP) rapidly increased after Turkey's October 9, 2019 military incursion into northeast Syria to remove Syrian Kurdish forces and administration controlling the area. Since then, the courts have ordered that mayors be held in pretrial detention pending completion of investigations and trials for alleged links to the armed Kurdistan Workers' Party (PKK).

The removal of the mayors and disempowerment of local councils has effectively cancelled the results of the March 31 local elections in the most populous cities of the southeast and eastern provinces. The actions against the mayors began in August with the removal of the prominent HDP mayors in the three biggest cities of southeast and eastern Turkey, prompting protests against the government's actions in Diyarbakır.

Thirty-two HDP mayors in the region have been stripped of their office and replaced with Ankara-appointed provincial and district governor "trustees." After their appointment, trustees did not convene the local councils – effectively neutering their decision-making role in local government. The HDP won 65 municipalities in the March local election.

This is the second time the authorities have systematically suspended local democracy for Kurdish voters in that region. Under the state of emergency that followed the July 2016 attempted coup, the Erdoğan government introduced amendments to the Municipalities Law, and took direct control of 94 HDP municipalities and removed mayors and councils who had won at the polls in 2014 local elections. Those mayors detained in 2016-17 have also been subjected to politically motivated prosecutions.

The Kurdish community is calling for support from local, state and federal jurisdictions across Australia.

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**Submitted by:** Councillor Veitch, West Ward

**File Reference:** F2012/00347

## Motion Pursuant to Notice No. NM68/20

**Subject:** Notice of Motion from Cr Da Rocha - Proposed request for State funding to assist with traffic management costs due to the impacts of the COVID-19 pandemic

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**Motion:**

That Council write to the Prime Minister and also NSW Premier and NSW Minister for Health, and local State Members of Parliament advocating for State funding to assist with managing the impacts of the COVID-19 pandemic, including but not limited to management of beaches, open spaces and traffic management related costs resulting from reduced patronage of public transport.

**Background:**

The COVID-19 Pandemic has had a considerable impact on Council finances and operations. As we move into spring and summer seasons, outdoor activity will place additional pressure on the local area. All funds spent on managing crowds and traffic as a result of the restricted environment, are funds that would have otherwise been spent on important local infrastructure and services.

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**Submitted by:** Councillor Da Rocha, South Ward

**File Reference:** F2020/00225

NM68/20



## Motion Pursuant to Notice No. NM69/20

**Subject:** Notice of Motion from Cr Matson - Augmenting Council's strategic greenhouse gas emissions by further adopting Northern Beaches Council's aspirational target of net zero emissions by 2030

### Motion:

That a report be brought back on the option of augmenting Council's adopted strategic objective of Reducing greenhouse gas emissions (measured by CO<sub>2</sub>- equivalent) by 60% across Randwick City by 2030" by further adopting Northern Beaches Council's aspirational target of achieving "net zero emissions in our community by 2030".

### Background:

Northern Beaches Council is committing itself to supporting Australia's 2015 signing of the Paris climate change agreement. Their [Northern Beaches Environment and Climate Change Strategy 2040](#) states:

*"Australia signed the Paris Agreement in 2015 and committed to limit global temperature increase by the end of the century to 2°C and strive to limit it to a 1.5°C increase. To do this we need drastic and immediate change (IPCC, 2018)."*

(p 12, [Northern Beaches Environment and Climate Change Strategy 2040](#))

Northern Beaches has committed to:

- "Reducing carbon emissions in our community by more than half by 2040."
- "Net zero emissions by 2050".

(p 35, [Northern Beaches Environment and Climate Change Strategy 2040](#))

But it also intends as an "aspiration" to actually go further and try to reach net zero emissions by 2030.

*"We aspire to achieve: Net zero emissions in our community by 2030"*

(p 35, [Northern Beaches Environment and Climate Change Strategy 2040](#))

*"This is reflected in each section and every theme of this strategy, within the ambitious commitments and even more so in our aspiration to strive to achieve net zero emissions by 2030."*

(p 12, [Northern Beaches Environment and Climate Change Strategy 2040](#))

Our own expressed Randwick City Council local emissions reduction target is expressed as an overarching objective of 60% by 2030.

*"Reducing greenhouse gas emissions (measured by CO<sub>2</sub>- equivalent) by 60% across Randwick City by 2030."*

(RCC business paper attachment, 28th July 2020 P5, Draft [The Randwick City Council Environment Strategy](#))

While our non-aspirational commitment to a year 2030 objective of a 60% reduction across our LGA is actually stronger than Northern beaches commitment to a reduction "by more than half by 2040", we could easily adopt their aspirational target of: "Net zero emissions in our community by 2030" with no resulting complications or reinterpretations required to our Strategy's already set targets.

**Submitted by:** Councillor Matson, East Ward  
**File Reference:** F2008/00363





## Motion Pursuant to Notice No. NM70/20

**Subject:** Notice of Motion from Cr Da Rocha - Commending former Mayor Noel D'Souza on receiving the honour of Knight in the National Order of Légion d'Honneur

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**Motion:**

That Council acknowledges and commends former Mayor, Councillor Noel D'Souza on being awarded the Knight in the National Order of Légion d'Honneur, for his work on securing the La Perouse Museum for the Randwick community.

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**Submitted by:** Councillor Da Rocha, South Ward

**File Reference:** F2012/00347

NM70/20



## Motion Pursuant to Notice No. NM71/20

**Subject:** Notice of Motion from Cr Shurey - Opposition to Offshore exploration and mining

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### Motion:

That Council:

1. oppose both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
2. notes that many State and Federal MP's of all persuasions have publicly opposed exploration off the NSW coast, asserting that federal approval processes are not robust and do not adequately consider the environment risks of testing. Council makes a formal submission to the NSW Government that:
  - a) prohibit the processing and transport of gas produced from wells offshore from the NSW Coastline to the NSW mainland; and
  - b) prohibit the construction of infrastructure relating to offshore exploration and mining activities in NSW.
3. makes a formal submission to the Federal Government to request:
  - a) the current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11), including any proposal for further seismic testing, be suspended and reviewed based on a full assessment of the environmental impact of both the exploration activity and the potential mining activity associated with this approval; and
  - b) that future offshore oil and gas exploration on the NSW Coast be prohibited.

### Background:

A Federal Government agency "National Offshore Petroleum Safety Authority" NOPSEMA issued a licence to explore a offshore area from Newcastle to Manly and in some cases only 5km off the coast, for oil and gas.

The prospecting company, using 2D high resolution sonic gun seismic shots tested a small area off Newcastle during the whales' migration season.

The local community were not consulted and minimal "safety" practices were put in place. The prospector now wants to complete a 3D high resolution survey of the entire licence area which currently extends from Newcastle to Manly.

This prospecting poses an immediate threat to our beaches, the migratory whales and dolphins and the offshore fishing industry.

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**Submitted by:** Councillor Shurey, North Ward

**File Reference:** F2015/00281