

**PLANNING COMMITTEE MEETING**  
**SUPPLEMENTARY BUSINESS PAPER**

**TUESDAY 12 JULY 2011**

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**PLANNING COMMITTEE MEETING**

Notice is hereby given that a Planning Committee Meeting of the Council of the City of Randwick will be held in the Council Chamber, Town Hall, 90 Avoca Street, Randwick, on Tuesday, 12 July 2011 at 6:00pm.

**Planning Matters**

*In accordance with Section 375A of the Local Government Act, the General Manager is required to keep a register of Councilor voting on planning matters. Planning matters are any decisions made in the exercise of a function of a council under the EP&A Act and include decisions relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act. In addition, Randwick City Council has resolved (22 July 2008) that its register of voting include the voting on all tender matters.*

**Development Application Report (record of voting required)**

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Sima Truvert  
**ACTING GENERAL MANAGER**



# Development Application Report No. D85/11



**Subject:** 330 Anzac Parade, Kensington - UNSW (DA/385/2011)

**Folder No:** DA/385/2011

**Author:** Simon Ip, Senior Environmental Planning Officer

**Proposal:** Site preparation works at the UNSW including demolition of a surface car park, partial removal of vegetation, installation of perimeter piles, excavation, removal of contaminated fill, construction of hoardings and temporary connection to services

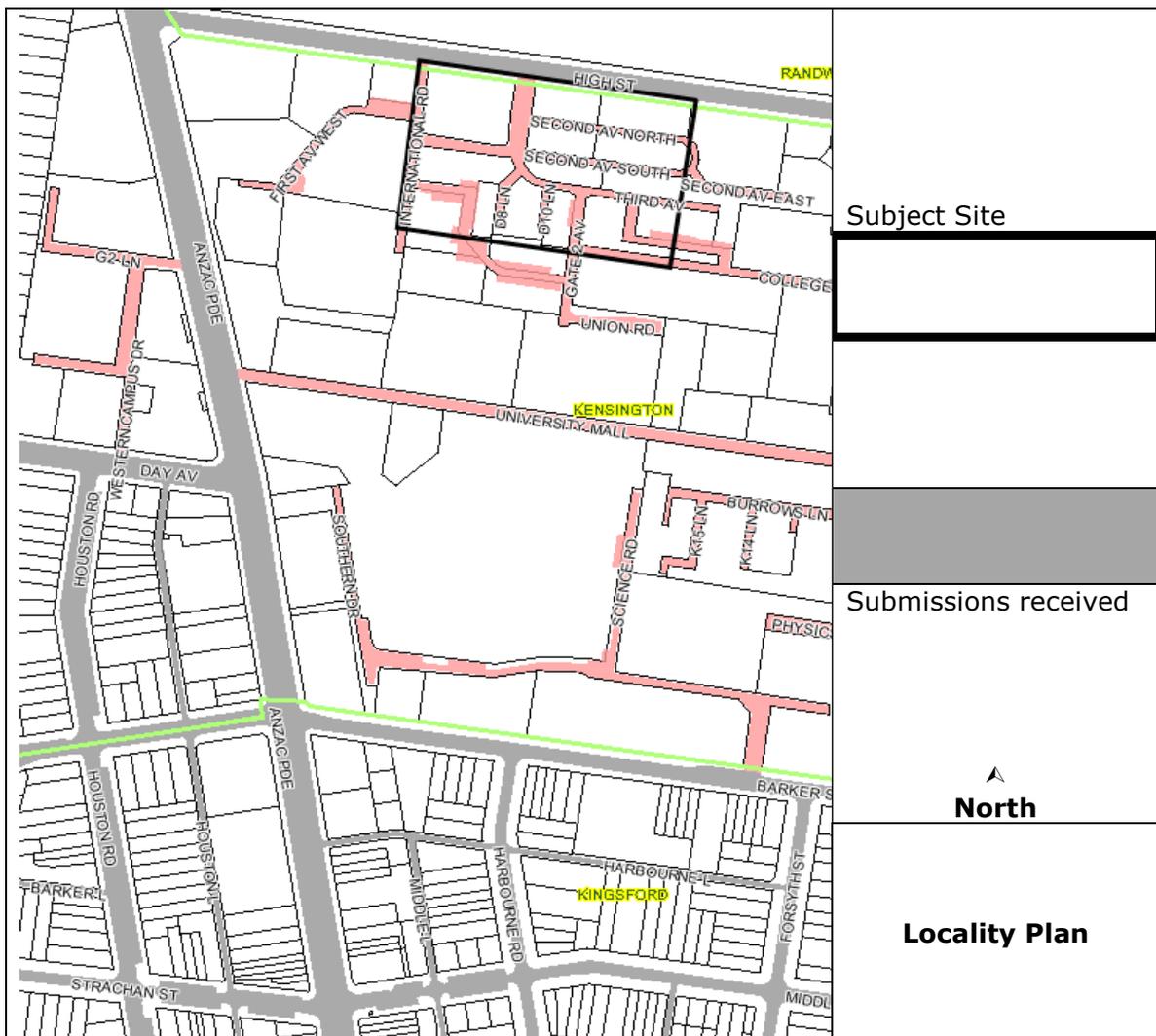
**Ward:** West Ward

**Applicant:** Brookfield Multiplex Constructions

**Owner:** UNSW

**Summary Recommendation:** Approval

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## 1. Executive Summary

The subject proposal is referred to the Planning Committee Meeting as the estimated development cost is more than \$2 million.

The site is located within the UNSW Kensington Campus at the western corner of High Street and Gate 2 Avenue. The proposed development is for the undertaking of various site formation and preparation works, which are intended to facilitate a student accommodation development in the near future.

The proposal was notified from 31 May to 14 June 2011 in accordance with DCP – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.

The site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation) and the proposal is permissible with Council's consent. The current proposal does not involve the construction of any permanent buildings and by its nature will not have any long term adverse implications on the character of the locality.

The development site is surrounded by student accommodation, sports facilities and institutional buildings associated with the UNSW. Therefore, any future student housing development on the site will not detract from the predominant character of the campus. Any potential impacts from the future buildings on the site will be fully assessed as part of a separate development application.

The proposal involves bulk excavation. The submitted information indicates that the landfill materials on the site contain asbestos. Specific conditions are recommended to ensure that the contaminated materials are adequately disposed of and that the land will be remediated to a suitable level.

The DCP – UNSW Kensington Campus has identified part of the site as a potential location for a child care centre. In lieu of child care facilities, the UNSW intends to construct student housing on the site, which will deviate from the intention of the DCP. Notwithstanding, the distribution of land uses within the campus as envisaged in the DCP is conceptual in nature. It is likely that child care centres could be provided in alternate locations within the campus. The suitability of the student housing use will be further assessed as part of a future development application.

At present, the subject site accommodates a surface car park with 126 car spaces. The proposed works will have an implication on parking supply for visitors, staff and students of the university. Council has recently received a development application for the demolition of existing structures and construction of an interim surface car park at 215A Anzac Parade (Western Campus), which is within walking distance from the subject site. The interim car park will increase the parking capacity of the Western Campus by 137 spaces. The purpose of this facility is to compensate for the loss of parking due to development works within the Kensington Campus. It is considered that the facility would provide an appropriate measure to mitigate the loss of parking as a result of the site works.

The future student housing development on the site is expected to accommodate parking at the basement level. A detailed assessment on the parking demand and supply associated with the future student housing and nearby campus uses would be undertaken as part of a separate development application.

The proposed development meets the objectives and performance requirements of relevant State and Local planning controls and is recommended for approval subject to conditions.

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## 2. The Subject Site and Surrounding Area

The subject development site is located within the UNSW Kensington Campus at the western corner of High Street and Gate 2 Avenue. The site has a rectangular configuration and has a land area of approximately 4500m<sup>2</sup>. The topography of the site is generally flat with change of level of approximately 700mm.

At present, the site accommodates a hard stand car park and is traversed by First Avenue East that links Gate 2 Avenue in the east to International Road in the west. There is a row of mature fig and gum trees along the northern site boundary and scattered vegetation adjacent to the eastern and western boundaries.

The site is adjoined to the east, west and south by student accommodation, sports facilities and institutional buildings associated with the university. To the north of the site on the opposite side of High Street is the Randwick Racecourse.



Aerial view of the subject development site

## 3. The Proposal

The proposed development is for the undertaking of various site formation and preparation works, which are intended to facilitate construction of student accommodation in the near future. The proposal includes the following elements:

- Partial removal of existing vegetation.
- Erection of hoardings.
- Provision of site amenities.
- Demolition of the existing bitumen car park and retaining walls.
- Excavation and installation of perimeter piling and capping beams.
- Removal of any contaminated fill materials.
- Construction of temporary access roads.
- Temporary connection to services.
- Installation of temporary directional signage.
- Temporary alterations to traffic management within the campus.

## 4. Site History

The UNSW campus has been the subject of a series of facility upgrade and development works. The subject development site has been used as a surface car park and there are no recent approvals related to the land in question.

## 5. Community Consultation

The subject application was notified from 31 May to 14 June 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.

## 6. Technical Officers Comments

### 6.1 Development Engineer and Landscape Development Officer

The comments provided by Council's Development Engineering Section are extracted below:

#### **Landscape Comments**

*This report is based on the following plans and documentation:*

- *Arboricultural Assessment by The Ents Tree Consultancy, dated 8 April 2011;*
- *SEE by Urbis, job code SA4456, report no 11 05 24, dated May 2011 and stamped 26 May 2011.*

*The Arborists Report has identified a total of 31 trees at this site, to the west of Gate 2 Kensington Campus, with seven (7) of these nominated for protection and retention as part of the works, and 24 to be removed.*

*Those listed for removal are young, semi-mature, or not significant, and comprise solely of She-Oaks, Paperbarks, Gums and a single Jacaranda, being trees 1-11 & 19-30, as shown in the Assessment of Trees Appendix in the Report.*

*Council supports the information and recommendations made in relations to these trees, with the relevant consent for their removal included in this report.*

*Those to be protected and retained are the stand of large and mature Hills Weeping Figs and two Gum Trees along the northern boundary (tree no's 12-18), fronting High Street, which are regarded as significant in the immediate and local landscape by both Council and the UNSW in terms of their amenity and function, and are also included as items 35 in Volume 3 of Council's own Register of Significant Trees.*

*In order to ensure the safe retention of this group, the Arborist has calculated their Tree Protection Zones (TPZ) as being 8-13 metres, and their Structural Root Zones between 3-3.5m, with the Report strongly recommending that the setback for their SRZ be increased to 7m during the course of works, if access and operations permit, and cannot under any circumstances be reduced beyond 5m, as particular care needs to be taken during any excavations or disturbance due to the presence of structural roots in the area in response to the prevalent winds.*

*No landscape conditions have been provided in this report as any new treatment will form part of a future application for the actual building.*

#### **Drainage Comments**

*The application does not propose any permanent drainage works as part of the Stage 1 Application detailed drainage comments will be provided with the Stage 2 Application.*

*Standard groundwater dewatering conditions have been included within this report given the base of the excavation is close to the water table.*

**Traffic Comments**

*Elements of the Traffic Management Plan submitted with the development application are likely to require variations before being supported by Council and a condition addressing this has been included within this report.*

*The proposed Stage 1 works will eliminate 126 on grade carspaces. A condition aimed at minimising any long term impact from the loss of parking has been included within this report.*

*The payment of alignment level fees has not been included within this report – the Stage 2 application will include the relevant condition.*

*The Assessment Planner is requested to confirm that conditions relating to the proposed hoarding have been included by Building Services.*

**Service Authority Comments**

*At the Health, Building and Planning Committee meeting on 8 November 2005, it was resolved on the motion of Councillors Nash and Belelli that:*

- (a) the applicants of development applications be required to meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site when the cost of works on the site exceeds \$2 million;*
- (b) the applicants of development applications be required to meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site, when the cost of works on the site exceeds \$1 million up to \$2 million; and*
- (c) the Director, City Planning investigate the feasibility of funding the undergrounding of existing overhead cables for new development under the new options provided for in the Environmental Planning & Assessment Act (Developer Contributions) Act 2005.*

*The proposed works will be in excess of \$2 million however conditions relating to undergrounding of power will be considered with the Stage 2 Application.*

**6.2 Environmental Health Officer**

The comments provided by Council's Environmental Health Officer are extracted below:

**Key Issues**

*The proposal being considered requires future development approval for the intended use (student accommodation). It should be advised that remediation of the site is required to meet the proposed residential use criteria.*

**Contamination**

*An environmental investigation carried out by Coffey Geotechnics Pty Ltd dated 5<sup>th</sup> May 2011 report no.GEOTLCOV2408AD-AB confirmed the following information:*

- Laboratory analysis indicate concentrations of chemical contaminants within the subsurface are less than adopted health based and ecological assessment criteria;*
- Asbestos was detected in borehole BH GT-3 in the southwest quadrant;*

- *Potential for adverse impacts where these soils are accessible and disturbed;*
- *Limited sampling and recommendation further sampling with suitable management and/or remediation plan be developed;*
- *Waste classification requires further sampling/investigation.*

*As a result of the recommendations appropriate remediation conditions have been included in this report.*

### **Building & Construction Works**

*Appropriate building, excavation construction works should be addressed by Building/Compliance section.*

### **6.3 Building Surveyor**

The application has been referred to Council's Building Surveyor for review. No objections are raised against the proposal subject to the recommended conditions.

## **7. Master Planning Requirements**

Clause 40A(1) provides that the consent authority must not grant approval to a development application made in respect of a site consisting of more than 10,000m<sup>2</sup> of land, unless a site specific development control plan is in place. The UNSW campus has an overall land area of more than 10,000m<sup>2</sup>. The subject development site accounts for approximately 4500m<sup>2</sup> in area. Council has adopted the DCP for the UNSW Kensington Campus, which became effective on 16 April 2007. The relevant provisions of the aforementioned DCP have been addressed within the body of this report.

## **8. Relevant Environmental Planning Instruments**

### **8.1 Randwick Local Environmental Plan 1998 (Consolidation)**

#### **Clause 17 Zone No. 5 (Special Uses Zone)**

The subject site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). The proposed development involves various site formation and preparation works to facilitate the provision of student accommodation, which will be ancillary to the primary educational function of the Kensington Campus. Under Clause 17(3), earthworks and educational establishments are identified as permissible uses within Zone No. 5.

The zoning objectives listed under sub-clause (1) are addressed as follows:

- To accommodate development by public authorities on publicly owned land, and*  
The proposal is initiated by a public university on land owned by the Crown.
- To accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and*

The proposed works aim at facilitating student accommodation development, which will be associated with and ancillary to the tertiary educational use of the university campus.

- To enable associated and ancillary development, and*  
The proposed works aim at facilitating student accommodation development, which will be associated with and ancillary to the tertiary educational use of the campus site.

- (d) *To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and*

The proposed works aim at facilitating future student accommodation development on the site, which would include a range of ancillary facilities for the residents and staff.

- (e) *To allow for the redevelopment of land no longer required for a special use.*  
The development site will continue to be used for education related purposes.

### **Clause 37A Development in Special Uses Zone**

Clause 37A provides that consent may be granted to the development of land within Zone No. 5 only if the consent authority is satisfied that the proposal is compatible with the character of the locality, and will not adversely affect the amenity of nearby and adjoining development.

The current proposal does not involve the construction of any permanent buildings and by its nature will not have any long term adverse implications on the character of the locality. The proposal aims at facilitating student accommodation development on the site in the near future.

The development site is surrounded by student accommodation, sports facilities and institutional buildings associated with the UNSW. More specifically, the areas immediately to the east have been developed with a large scale student accommodation development (known as "The Village"). Therefore, any future student housing development on the site will not detract from the predominant character of the campus. Any potential amenity impacts from the future buildings on other campus facilities and the public domain will be fully assessed as part of a separate development application.

### **Clause 40 Earthworks**

Clause 40 provides that when determining an application for the carrying out of earthworks, the consent authority must consider the likely disruption of existing drainage patterns and soil stability in the locality, and the effect of the proposed works on the likely future use of the land.

The proposal involves bulk excavation to remove the surface bitumen and underlying sub-grade materials and fill. The works are intended to facilitate future student housing development on the site.

Council's Development Engineer and Building Surveyor have assessed the application and raised no objection on engineering or safety grounds. Specific conditions are recommended to ensure that suitable retaining walls and protection measures are implemented during works on the site.

The proposal is not considered to adversely impact on the drainage pattern and use of the land, subject to the recommended engineering and construction management conditions.

## **8.2 State Environmental Planning Policy No. 55 Remediation of Land**

SEPP No. 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The submitted Waste Classification Assessment report, prepared by Coffey Environments, dated 13 January 2011, indicates that the landfill materials on the site contain asbestos. Specific conditions are recommended to ensure that the contaminated materials are adequately disposed of and that the land will be suitably

remediated. Refer to the comments from the Environmental Health Officer for further details.

**9. Policy Controls**

**9.1 UNSW Kensington Campus Development Control Plan**

The UNSW Kensington Campus DCP applies to the proposed development. The relevant provisions of the DCP are addressed as follows:

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Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
5.1	<b>Sustainability</b>	The proposal will retain the existing mature fig and gum trees along the northern extremity of the development site, which have been identified as having significant landscape values in the DCP (being Trees 12 to 18 as identified in the submitted arborist’s report). The proposal also involves the removal of contaminated landfill from underneath the ground to ensure the site is suitable for residential uses. Accordingly, the proposed development is considered to contribute to environmental sustainability.
5.2	<b>Sense of place</b> High Street: - Improve frontage with major new buildings that are to define major new gathering spaces - Variety of uses including university, housing and publicly accessible facilities - Numerous new entries to relate to public transport	The proposed early works will facilitate student housing development on the site in the near future. The future development could improve the definition of High Street and Gate 2 Avenue with an articulated built form and active frontages, complimented by the retained fig and gum trees along the street boundary.  It is anticipated that the future student housing development would incorporate publicly accessible facilities ancillary to the university and would contribute to creating a “hub” character.  The future building is located adjacent to the High Street boundary of the campus, and is capable of providing new pedestrian entries addressing the street frontage.  The future student housing proposal is currently at its advanced stage of preparation and is likely to be submitted to Council within the near future.
5.3	<b>Legibility</b> - A new High Street Square at Gate 2 to provide a major focus for lower campus and a new gateway as a campus-community interface - Engage or terminate view corridors at the street boundary of the subject	The DCP identified a new High Street Square, which falls within the boundary of the adjoining student housing development to the east (“The Village”). The above development has created a landscaped open space flanked by retail and student facilities immediately to the east of Gate 2 Avenue, and has already appropriately addressed the requirement of the DCP in

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	development site	<p>relation to the creation of new public plaza.</p> <p>The DCP requires the subject development site to create a terminating focal point to the street. It is considered that any future building development on the site would appropriately address the High Street frontage.</p>
5.4	<p><b>Knowledge clusters and hubs</b>                      High Street Square:                      With redevelopment of the area around Gate 2, a new Hub is proposed based on a new public open space, a new public room, relocation / retention / replacement of IO Meyer studio, vehicular access to the campus with short-term kerb side parking to help serve nearby sports facilities, retail facilities and a child care centre. The cluster around this hub could comprise academic and housing uses.</p>	Refer to comments above.
5.5	<p><b>Landscape</b>                      Fig trees along the northern boundary of the development site are designated as having "highest retention priority" (Figure 5.6a).</p>	The existing fig trees along the northern extremity of the development site will be retained.
5.6	<p><b>Building</b>                      New buildings are to be located within the building location zones identified in Figure 5.8.</p>	<p>Figure 5.8 presents indicative building footprints for the subject development site. Based on the submitted site analysis plan, the future student housing development does not appear to strictly follow the preferred layout of the DCP.</p> <p>The appropriateness of the layout, footprints and envelope of the future student housing development will be the subject of a separate development application.</p>
5.7	<p><b>Housing</b>                      - Increase university housing on and near the campus to support sustainability principles, liveliness of campus, sense of community and increased affordability.                      - New housing is to be focused on or near a hub with activities and facilities to meet student needs well</p>	<p>The proposed works will facilitate future student housing development on the subject site. The current proposal is considered to indirectly contribute to increased on-campus housing at the university.</p> <p>The subject site is located opposite to a newly completed public square on the eastern side of Gate 2 Avenue, which will be flanked by retail and student facilities.</p>

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Section	Requirement	Compliance comments
Campus	Design Principles and Provisions  beyond 9am to 5pm. - On campus housing is to be located as indicated in Figure 5.10.	<p>The future student accommodation will be adequately supported by local services.</p> <p>The subject site is not specifically nominated for student housing purposes in Figure 5.10 of the DCP. However, the site is located adjacent to a recently completed large-scale student housing development ("The Village"), which incorporates a public square on the eastern side of Gate 2 Avenue.</p> <p>The future student accommodation on the site will enable clustering of housing uses that maximises utilisation of student facilities, and is consistent with the strategic intent of the DCP to create activity hubs at key locations.</p> <p>The appropriateness of the site for student housing purposes will be further assessed in detail as part of a separate development application.</p>
5.8	<p><b>Retail and services</b></p> <p>- When opportunities arise over time, existing inappropriately located retail and services are to be relocated to hubs and the specific frontages identified in Figure 5.11.</p> <p>- New and upgraded child care facilities are to be provided in key locations as identified in Figure 5.11.</p>	<p>Figure 5.11 shows an indicative retail strip along the eastern edge of the subject site. The land use distribution of any future buildings on the site will be assessed as part of a separate development application.</p> <p>Figure 5.11 nominates the northern part of the subject site as a potential location for a child care centre. In lieu of child care facilities, the UNSW intends to construct student housing on the site, which will deviate from the intention of the DCP. Notwithstanding, the land use distribution within the campus as indicated in the DCP is conceptual in nature. It is likely that child care centres would be provided on alternate locations within the campus. The suitability of the student housing use will be further assessed as part of a future development application.</p>
5.10	<p><b>Transport and parking</b></p> <p>- Provision of short-stay parking on the subject site</p> <p>- Surface parking within the campus is to continue to be relocated to under new buildings or within structured car parks.</p> <p>- All new DAs are to include an assessment of whether the proposal involves an increase in staff, student or</p>	<p>Figure 5.13 nominates the subject site for short stay parking purposes. The intention to develop student housing on the site will deviate from the direction of the DCP. Notwithstanding, a separate development application for the construction of a temporary parking facility at 215A Anzac Parade (Western Campus) is currently under consideration by Council. It is considered that the completion of this interim parking facility would mitigate the loss of short stay parking on the subject</p>

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	other visitations to the campus.	site. Refer to further comments under the "Environmental Assessment" section of this report.  Any future parking facilities on the site would be located underground, consistent with the requirements of the DCP.

**9.2 Randwick Section 94A Development Contributions Plan**

The Section 94A Development Contributions Plan, effective from 2 July 2007, is applicable to the proposed development. In accordance with the plan, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$4,000,000	1.0%	<b>\$40,000</b>

**10. Environmental Assessment**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, as amended.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the "Policy Control" section of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed within the body of this report.  The proposed development is consistent with the educational function of the locality, and is not considered to result in detrimental social or economic impacts.
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established university campus and has convenient access to the local and regional road network. The current proposal does not involve the construction of any permanent buildings; however it will facilitate student accommodation development in the near future. The

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Section 79C 'Matters for Consideration'	Comments
	subject site has appropriate size and dimension and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions have been received.
Section 79C(1)(e) – The public interest	The proposal is not considered to result in unreasonable environmental, social or economic impacts on the locality, subject to the recommended conditions. Therefore, the development is considered to be within public interest.

**Construction related impacts**

The development is likely to create noise, dust, traffic and general amenity impacts on the surrounding areas during works on the site. Standard construction and traffic management conditions have been recommended to ensure proper execution of works and to minimise any amenity impacts on the locality. Subject to compliance with the above conditions, the proposal is considered to be satisfactory in this regard.

**Car parking**

At present, the subject site accommodates a surface car park consisting of 126 car spaces. The proposed works will reduce parking available for students, staff and visitors to the campus.

Council received a development application (DA/259/2011) on 13 April 2011 for the demolition of the existing G2 Building at 215A Anzac Parade (Western Campus) and use of the land as an interim surface car park. The above interim facility will increase the parking capacity in the Western Campus by 137 spaces.

The intended function of this temporary car park is to absorb parking displaced by development works within the Kensington Campus. It is expected that the surface car park will be used until a redevelopment strategy for the G2 site is prepared.

The proposed G2 car park is located within walking distance (approximately 430m) from the subject site. It is considered that this facility would mitigate loss of parking from the subject site in the interim.

An appropriate special condition is recommended to ensure that there will be no long term adverse impact on traffic and parking in the area. The condition would be to require the completion of all works associated with the interim car park (the subject of DA/259/2011), prior to the issuing of any Occupation Certificate for the future student housing development on the subject site. Additionally, a detailed parking management plan will be required prior to the issuing of any Construction Certificate for the subject site works. The above requirements are to ensure proper traffic and parking management across the Kensington Campus during the construction period of the student housing development.

In the longer term, the future student housing development on the site will accommodate parking at the basement level. A detailed assessment of the parking demand and supply associated with the student accommodation and nearby campus uses will be undertaken as part of a separate development application.

**Relationship to City Plan**

The relationship with the City Plan is as follows:

Outcome: Leadership in sustainability, excellence in urban design and development

Direction: Improved design and sustainability across all development

### Financial Impact Statement

There is no direct financial impact for this matter.

### Conclusion

The proposed development complies with the objectives and performance requirements of relevant Local and State planning controls.

The proposed early preparation works are intended to facilitate future student housing development on the subject site, and are not considered to result in any long term adverse impacts on the environmental amenity of the surrounding areas. Appropriate conditions have been recommended to ensure proper construction and traffic management to minimise impacts on the locality.

The site is identified to contain hazardous contaminated materials in the sub-grade land fill. Specific conditions have been recommended to ensure adequate disposal of the contaminants and remediation of the land to a suitable level.

The proposal is considered to be satisfactory and is recommended for approval subject to conditions.

### Recommendation

THAT Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 385/2011 for site preparation works at the UNSW including demolition of a surface car park, partial removal of vegetation, installation of perimeter piles, excavation, removal of contaminated fill, construction of hoardings and temporary connection to services, at No. 330 Anzac Parade, Kensington NSW 2033, subject to the following conditions:

### Conditions of Consent

- The development must be implemented substantially in accordance with the following plans:

Plan Number / Title	Dated	Received	Prepared By
A-DA-1003(01) Site Analysis Plan	19.05.2011	26 May 2011	FJMT
A-DA-1002(Draft) Bulk Excavation Plan	06.05.2011	26 May 2011	FJMT
S-DA-B-SK01(P1) Shoring Plan	05.05.11	26 May 2011	TTW
S-DA-B-SK02(P1) Shoring Sections	05.05.11	26 May 2011	TTW
C-DA-G-9203(P3) Construction Stormwater Management, Sediment and Erosion Control	16.05.11	26 May 2011	TTW
Early Works Site Management Plan	Undated	26 May 2011	Brookfield Multiplex

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			Constructions Pty. Ltd.
Waste Management Plan	Undated	26 May 2011	Brookfield Multiplex Constructions Pty. Ltd.
Traffic Management Plan for Construction (Early Works) Reference 11084	May 2011	26 May 2011	Transport and Traffic Planning Associates

, the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**The following condition is applied to meet additional demands for public facilities:**

- In accordance with Council’s Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$4,000,000, the following applicable monetary levy must be paid to Council: **\$40,000**.

The levy **must be paid in cash, bank cheque or by credit card** prior to the commencement of construction / excavation works. 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.

Council’s Section 94A 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).

**The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Regulation 2000, must be fully complied with at all times:**

- All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- Prior to the commencement of any building works, a suitably qualified person (i.e. relevant certifying body) must be appointed for the development to monitor compliance with the relevant standards of construction, Council’s development consent and the approved construction plans.

The critical stages of construction are to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the appointed Certifier or other suitably qualified person, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council upon finalisation of the development.

- 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 license number and telephone number of the *principal contractor*, including a telephone number at which the person

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

6. A statement confirming that the works are suitable for occupation / use must be obtained from a suitably qualified person (i.e. the certifier) prior to any occupation / use of the building works encompassed in this development consent.

The statement must not be issued if the development is inconsistent with the development consent and the relevant conditions of development consent must be satisfied prior to occupation / use.

Details of critical stage inspections carried out, together with any other certification relied upon must be provided to Council prior to occupation / use.

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

*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.*

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

The approved construction plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The Crown certifier is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

**The following group of conditions has been applied to ensure the structural adequacy and integrity of the proposed building works and adjacent premises:**

9. Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be obtained prior to commencement of work, certifying the suitability and stability of the site for the proposed building work and certifying the suitability and adequacy of the proposed design and construction of the building work for the site.

A copy of the engineer's report is to be submitted to the Council.

10. A report shall be obtained from a professional engineer prior to commencement of work, detailing the proposed methods of excavation,

shoring or pile construction, including details of potential vibration emissions. The report must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

A copy of the engineer's report is to be submitted to the Council.

11. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is obtained, prior to commencement of work, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

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

A copy of the engineer's report is to be submitted to the Council.

12. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises or public land.
13. A Certificate shall be obtained from a professional engineer and be submitted to the Council, prior to occupation / use of the building works, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

**The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:**

14. A copy of the approved construction plans and development consent conditions must be provided to Council and a copy is to be kept on the site at all times and be made available to the Council officers and personnel for assessment upon request.
15. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

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

commencing such excavations or works.

16. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

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

**Notes**

- *This consent and condition do 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 principal contractor or owner-builder must obtain:*
  - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
  - b) *an access order under the Access to Neighbouring Land Act 2000, or*
  - c) *an easement under section 88K of the Conveyancing Act 1919, or*
  - d) *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).*

17. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Certifier.

18. A report must be obtained from a suitably qualified and experienced consultant **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Council's conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made and a copy of the report is to be forwarded to Council.

Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the Council.

19. Public safety and convenience must be maintained in areas affected by the works at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times for the duration of the works.

Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council.

Applications to place a waste container in a public place can be made to Council's Building Services section.

- d) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) A Local Approval application must be submitted to and be approved by Council's Building Services Section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
  - Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

20. 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 appropriate materials 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 of hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil

- and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

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

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

Temporary fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written approval from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

23. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - WorkCover NSW – Guidelines and Codes of Practice
  - Randwick City Council's Asbestos Policy
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

24. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the relevant Building Certifier, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

25. 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 6.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers (excluding bored piles) or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<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.*

**The following conditions are applied to maintain reasonable levels of environmental health, safety and amenity:**

26. A Detailed Site Contamination Investigation Report must be submitted to the satisfaction of Council's Director of City Planning **prior to commencing any remediation works**. The detailed investigation must be undertaken by an

independent appropriately qualified environmental consultant and provide information on the extent of any 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 Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment & Climate Change (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. 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.

1) The Detailed Site Investigation Report shall identify remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, and the following matters must be complied with:-

- a) A Remediation Action Plan (RAP) is required to be submitted to the satisfaction of Council **prior to commencing any remediation works**. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and an Interim Advice is to be provided to the Council with the RAP from the Site Auditor, 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.
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment & Climate Change (DECC), 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, only if required,
  - Unexpected finds.
- c) A NSW Department of Environment & Climate Change Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.
  - d) The land must be remediated to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Site Audit Report must be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site

Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) A Site Audit Statement (SAS) and Site Audit Report must be submitted to Council, **prior to commencement of any construction work** (other than shoring work, piling work, retaining structures or other work which is necessary to carry out the remediation works)
- f) Remediation works are to be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW EPA/DECC and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- g) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS 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 88 of the *Conveyancing Act 1919*.

- h) 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
  - 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.

- i) Any fill importation to the site is to be monitored and classified by a suitably qualified consultant and reviewed by the site auditor. Any imported materials must be exempt under the provisions of the waste regulatory framework i.e. Excavated Natural Materials (ENM). An independent environmental consultant must undertake this classification for the site auditor's review.

- j) Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *NSW DECC Waste Classification Guidelines (2008).*
- k) 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 *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.
- l) 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 Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

27. The Site Audit Statement must, where no guideline made or approved under the *NSW Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

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

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

**The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:**

28. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
29. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

## Security Deposit Conditions

### The following conditions are applied to provide adequate security against damage to Council's infrastructure:

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

a) \$5000.00 - Damage / Civil Works Security Deposit

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

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

The applicant is to advise Council, in writing, of the completion of all building works.

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.

## Traffic conditions/Civil Works Conditions

### The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

31. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

32. 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 Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to the completion of the works, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried

out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to completion of the development, or as otherwise approved by Council in writing.
33. Prior to the commencement of works, the applicant shall submit for approval and have approved by Council's Traffic Engineer a modified construction traffic management plan, (i.e. modified from the plan prepared by Transport and Traffic Planning Associates and submitted with the development application). The plan must be prepared in consultation with Council's Development Engineer Coordinator and shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development. The applicant is advised that Council may seek to vary aspects of the proposed "No Parking" restrictions (identified as a truck queuing area) and the treatment of the existing Bus Zone located on the northern side of High Street.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

34. Prior to the completion of the future student accommodation development on the subject site the applicant must have completed all works on the Interim Carpark the subject of Development Application 259/2011. Prior to the commencement of the proposed site and early works the applicant must submit to council for approval, and have approved, a detailed parking management plan setting out strategies for minimizing the impacts of the loss of on-grade parking resulting from the current application.

### **Alignment Level Conditions**

**The following conditions are applied to provide adequate provisions for future civil works in the road reserve:**

35. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the High Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

The design alignment level at the property boundary must be strictly adhered to.

36. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the construction plans.

### **Service Authority Conditions**

**The following conditions are applied to provide adequate consideration for service authority assets:**

37. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and

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exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

38. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
39. Documentary evidence from the relevant public utility authorities confirming that their requirements can be satisfied, must be submitted to the relevant certifying body prior to the commencement of works.
40. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the completion or use of the works.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

### Drainage Conditions

**The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:**

41. **As the above site is located in an area where the water table is adjacent to the base of the excavation, (and given that water table levels fluctuate),** the basement carpark or similar structures must be suitably waterproofed to the satisfaction of the relevant certifying body.
42. Details of any proposed connection and / or disposal of groundwater or collected rainwater/stormwater from the excavation to Council's external stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

The subject 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 Operations 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 Operations 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

## Landscape Conditions

### The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

43. Prior to the commencement of any site works, the relevant certifying body must ensure that a professional Arborist who holds a minimum of AQF Level 5 in Arboriculture has been engaged for the duration of works for the purpose of establishing, monitoring and implementing Tree Protection Zones or Tree Protection Measures as necessary, as well as performing or supervising any works that may have an impact on those trees listed for retention, with all site staff to comply with the instruction given by the 'site Arborist'.

## Tree Removals

44. Approval is granted for removal of Trees 1-11 & 19-30, as identified in the Assessment of Trees Appendix contained in the Arboricultural Assessment by The Ents Tree Consultancy, dated 8 April 2011 ("*the Arborist Report*"), in order to accommodate the proposed works as shown.

## Pruning

45. Permission is granted for pruning should it be necessary in order to avoid damage to the trees listed for retention below, or, for clearances reasons, and must be minimal and selective, and performed by the site Arborist, 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).

## Protection of Significant Trees

46. Trees 12-18, as identified in the Arborists Report, are to be protected and retained as part of the proposed works in accordance with Points 5.2 & 5.3 of 'Recommendations'.

## Advisory

- A1 The applicant is advised that the construction plans and specification must comply with the provisions of the Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the construction plans and specifications.

You are also advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with your certifier prior to preparing your construction plans to enable these matters to be addressed accordingly.

- A2 You are advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and you should therefore consider your liability under the Act. In this regard, you are advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

You are requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1,

2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

**Attachment/s:**

Nil

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