

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/20/2021

Development: Demolition of existing structures on site and construction of 9 storey mixed use development comprising commercial ground level and 8 storeys boarding house above comprising 604 rooms, basement parking comprising 5 car spaces, 126 bicycle spaces and 104 motorcycle spaces, accessible rooftop common garden, under awning signage, landscaping and associated works (variation to height of building under the RLEP and requirements for on site manager and motorcycle parking under the ARH SEPP).

Site: 177-197 Anzac Parade, Kensington NSW 2033 and the road reserve on the Anzac Parade frontage

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 3 December 2021.

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 177-197 Anzac Parade KENSINGTON NSW 2032 and the road reserve on the Anzac Parade frontage.

The conditions of consent are as follows:

Deferred Commencement Conditions

This consent shall not operate until:

- A1. The owner of the land has executed a Voluntary Planning Agreement (VPA) in accordance with the Applicant's offer contained in the letter from Cedar Pacific to Randwick City Council dated 16 September 2021 (16 September 2021 letter).
- A2. Upon execution, the applicant shall register the VPA on the title to the land.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 548 days (18 months) of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

No development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Evidence required to satisfy these conditions must be submitted to Council within **18 months** of the date of this consent.

The consent will not operate until such time that Council notifies the Applicant in writing that deferred commencement conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the 'Development Consent Conditions' as follows:

Development Consent Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan No.	Rev No.	Drawn by	Dated
DA002	E	Nettletontribe	20.10.21
DA011	Q	Nettletontribe	20.10.21

DA012	T	Nettletontribe	20.10.21
DA012 - SIGNAGE	S	Nettletontribe	24.09.21
DA12 – Material Clarification Mark Up	T	Nettletontribe	16.10.21
DA013	N	Nettletontribe	20.10.21
DA014	N	Nettletontribe	20.10.21
DA015	N	Nettletontribe	20.10.21
DA016	Q	Nettletontribe	20.10.21
DA016 SIGNAGE	P	Nettletontribe	24.09.21
DA017	Q	Nettletontribe	20.10.21
DA018	P	Nettletontribe	20.10.21
DA018 SIGNAGE	N	Nettletontribe	24/09.21
DA019	P	Nettletontribe	20.10.21
DA020	P	Nettletontribe	20.10.21
DA021	Q	Nettletontribe	20.10.21
DA031	N	Nettletontribe	20.10.21
DA031 SIGNAGE	M	Nettletontribe	24.09.21
DA032	P	Nettletontribe	20.10.21
DA032 SIGNAGE	N	Nettletontribe	24.09.21
DA32 – Material Clarification Mark Up	P	Nettletontribe	16.10.21
DA041	N	Nettletontribe	20.10.21
DA051	H	Nettletontribe	20.10.21
DA070	G	Nettletontribe	20.10.21
Landscape Calculations	Issue 18	Arcadia Landscape Architecture	13 October 2021
Cover Sheet 000	Issue 18	Arcadia Landscape Architecture	October 2021
Landscape Plan - Ground 100	Issue 18	Arcadia Landscape Architecture	October 2021
Softworks Plan – Ground 401	Issue 18	Arcadia Landscape Architecture	October 2021
Softworks Plan – Ground 402	Issue 18	Arcadia Landscape Architecture	October 2021
Softworks Plan – Ground 403	Issue 18	Arcadia Landscape Architecture	October2021
Softworks Plan – Ground 404	Issue 18	Arcadia Landscape Architecture	October 2021
Softworks Plan – Roof Top 405	Issue 18	Arcadia Landscape Architecture	October2021
Softworks Plan – Roof Top 406	Issue 18	Arcadia Landscape Architecture	October 2021
LANDSCAPE DETAILS 500 (2 Sheets)	Issue 18	Arcadia Landscape Architecture	October2021
Landscape Specifications	Issue 18	Arcadia Landscape Architecture	October 2021

Document	Dated
BASIX Certificate No. 1250395M	22 October 2021
DA Acoustic Assessment prepared by Acoustic Logic	27 September 2021
Letter of Offer made by Cedar Pacific	16 September 2021
Letter from Sydney Airport with Controlled Activity Approval	8 April 2021
Wind Assessment Report prepared by MEL Consultants	21 December 2020
Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions	18 December 2020
Green Travel Plan prepared by Transport and Traffic Planning Associates	December 2020
Operational Plan of Management prepared by UniLodge	December 2020
Construction and Demolition Waste Management Plan prepared by Elephants Foot Recycling Solutions	22 November 2020
Detailed (Stage 2) Site Investigation prepared by JK Environmental	30 July 2021
Remediation Action Plan prepared by JK Environmental	4 August 2021

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Electrical vehicle charging point shall be provided in accordance with the control under Section 22 – Sustainability of Part C of D of Kensington and Kingsford Development Control Plan (i.e. 1 per 5 parking spaces where onsite parking is provided).
 - b. A space for storage and sorting of problem waste such as E-waste, clothing, and hazardous waste shall be provided in accordance with the control under Section 22 – Sustainability of Part C of D of Kensington and Kingsford Development Control Plan.
 - c. The Ecologically Sustainable Development report dated 21/12/2020 and prepared by Waterman Group shall be amended to reflect the approved development.

Details of compliance with the above conditions are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate (as specified in Condition 10).

3. The applicant/owner shall prepare and register a 'Plan of Consolidation' that consolidates SP 15366 (177 Anzac Parade), Lot 10 Section 7 DP 4761 (179-181 Anzac Parade), Lot 11 Section 7 DP 4761 (183-185 Anzac Parade), Lot A DP 410291 (187 Anzac Parade), Lot B DP 410791 (189 Anzac Parade) and SP 19239 (191-197 Anzac Parade) into 1 lot. The applicant/developer shall meet all costs associated with the registration of the 'Plan of Consolidation and evidence of registration shall be provided to the satisfaction of the Principal Certifier.

Voluntary Planning Agreement

4. The development shall be undertaken in accordance with the applicable terms and conditions of the Voluntary Planning Agreement executed by the developer and Randwick City Council in accordance with condition A1 for 177-197 Anzac Parade, Kensington NSW 2033.
5. Contributions paid to Council pursuant to the Voluntary Planning Agreement executed in accordance with Condition A1 are to be taken into consideration in determining the development contributions payable pursuant to this consent. To the extent that contributions are paid under the Voluntary Planning Agreement, the obligations under conditions 15, 16 and 109 are satisfied.

Sydney Airport

6. The development shall comply with any requirements of the letter from Sydney Airport dated 8 April 2021 Reg No: 21/0197 by Sydney Airports Corporation Limited and Air services Australia (Ref: YSSY-CA-435).

Water NSW GTAs

7. The General Terms of Approval from Water NSW shall be complied with as follows:

Dewatering

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

- the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion

of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watnsw.com.au/customer-service/water-licensing/dewatering

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

Transport for NSW (TfNSW) Conditions

8. The conditions from Transport for NSW shall be complied with as follows:

General

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. It is likely in the first two (2) years there will not be a light rail shutdown for maintenance purposes. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

Prior to the Issue of the Construction Certificate

Process of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

- Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
 - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for the review and endorsement of TfNSW:
 - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
 - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration;
 - Details of the vibration and movement monitoring system that will be in place before excavation commences;
 - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
 - Detailed survey plan with location of services.

Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.

Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design 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 to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

Balconies and Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Consultation Regime

Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. For any works near the operating rail corridor, the cover amount should be at least \$250 million unless otherwise agreed by TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

Works Deed / Agreements

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation/ground penetration / construction works;
 - The need for track monitoring;
 - Design and installation of lights, signs and reflective material;
 - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - Endorsement of plans regarding proposed craneage and other aerial operations;
 - Erection of scaffolding/hoarding;
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

During Construction

- Construction vehicles shall not be stopped or parked adjacent to the development site on Anzac Parade at any time without prior approval of TfNSW;
- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

Prior to the Issue of the Occupation Certificate

Post - construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

Reflectivity Report

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

Prior to the Issue of the Construction Certificate

Construction Pedestrian and Traffic Management

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

- Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and the Sydney Light Rail Operator. The CPTMP needs to specify matters including, but not limited to, the following:
 - A description of the development;
 - Location of any proposed work zone(s), noting that Anzac Parade is not a suitable location;
 - Details of crane arrangements including location of any crane(s) and crane movement plan if there will be cranes on the light rail side of the building;
 - Haulage routes;
 - Construction vehicle access arrangements including vehicle access/crane access and in or around the light rail;
 - Proposed construction hours;
 - Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - Construction program and construction methodology/crane installation methodology;
 - A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement alongside light rail vehicles;
 - Measures to avoid construction worker vehicle movements;
 - Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
 - Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - Cumulative construction impacts of projects within the Kensington Precinct. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network within the Kensington Precinct; and
 - Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- Submit a copy of the final plan to development.sco@transport.nsw.gov.au for TfNSW endorsement; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and TfNSW (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Loading and Servicing Management

Prior to the issue of any Construction Certificate, the applicant shall prepare a detailed Loading and Servicing Management Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The applicant shall submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

- Details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- Details of loading and servicing facilities that may be required either within the subject site or other sites in the immediate vicinity which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;
- Details of measures to manage any potential traffic and safety impacts of the loading dock operation in particular potential queuing on Anzac Parade; and
- Details of measures to mitigate any potential impacts to the public transport operation from the development's loading and servicing vehicles.

The Loading and Servicing Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

During Construction

Construction vehicles shall not be stopped or parked adjacent to the development site on Anzac Parade at any time without prior approval of Transport for NSW.

Prior to the Issue of the Occupation Certificate

Green Travel Plan

The applicant shall prepare a Green Travel Plan in consultation with TfNSW. This plan shall include a mechanism to monitor the effectiveness of the measures of the plan.

The applicant shall submit a copy of the updated Green Travel Plan (via development_sco@transport.nsw.gov.au) for TfNSW endorsement, prior to the issue of the Occupation Certificate.

The plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

The plan (as reviewed and updated annually) shall be implemented by the applicant for the life of the development.

9. The following conditions imposed by TfNSW (RMS) must be complied with:

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Anzac Parade boundary.
2. The driveway, stormwater and associated works on Anzac Parade shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

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) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. All vehicles shall enter and exit the site in a forward direction.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
6. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
7. Bicycle Parking should be provided in accordance with AS2890.3.
8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
9. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping, unless a 'Works Zone' has been approved under condition 71.
10. Prior to the issue of any construction certificate or any excavation works, the Applicant should:
 - Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and the Sydney Light Rail Operator as well as to the satisfaction of Council. The CPTMP must be prepared by a suitability qualified person and needs to specify matters including, but not limited to, the following:
 - A description of the development;
 - Location of any proposed work zone(s);
 - Details of crane arrangements including location of any crane(s) and crane movement plan if there will be cranes on the light rail side of the building;
 - Haulage routes;
 - Construction vehicle access arrangements including vehicle access/crane access and in or around the light rail;
 - Proposed construction hours;
 - Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - Construction program and construction methodology/crane installation methodology;
 - A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement alongside light rail vehicles;
 - Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on Anzac Parade;
 - Measures to avoid construction worker vehicle movements;
 - Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
 - Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - Cumulative construction impacts of projects within Kensington Precinct. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and

- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP
 - Submit a copy of the final plan to development.sco@transport.nsw.gov.au for endorsement and to Council for approval; and
 - Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW (via development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.
 - The approved CPTMP must be complied with at all times, and any proposed amendments to the approved CPTMP must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.
11. The Applicant should update the Green Travel Plan (GTP) in consultation with TfNSW. This plan shall be amended to reflect the approved development and to include a mechanism to monitor the effectiveness of the measures of the GTP and shall be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate and be submitted to TfNSW for endorsement prior to the issue of the Occupation Certificate.
- Please submit to development.sco@transport.nsw.gov.au.
12. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Anzac Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- For more information, please contact Vic Naidu, Land Use Planner, by email at development.sydney@transport.nsw.gov.au.
- 9A. Prior to the issue of a Construction Certificate for the fit-out of any commercial premises located on the ground floor level of the development, a plan that demonstrates compliance with the flood planning requirements for those commercial premises must be provided to the satisfaction of the Manager of Development Assessment at Randwick City Council. The flood planning requirements are for a minimum 60% of the floor area of any commercial premises at the ground floor level will be at the height of the 1 in 100-year level (RL 24.20), and up to 40% may be below RL 24.20.

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 Randwick City Council or an Accredited Certifier. 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

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

External Colours, Materials & Finishes

14. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e., a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing Construction Certificate for the development.

Kensington and Kingsford Town Centre Section 7.12 Development Contributions

15. In accordance with the Kensington and Kingsford Town Centre Development Contributions Plan 2019, based on the development cost of \$62,500,000.00 (incl GST) a s7.12 levy of \$1,562,500.00 (excl GST) must be paid to Council.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6999 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.

Kensington and Kingsford Town Centre Community Infrastructure Contributions

16. In accordance Clause 6.17 (Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres) of the RLEP 2012, a monetary community infrastructure contribution (CIC) of \$1,417,400.00 must be paid to Council, comprising on site works along the Anzac Parade frontage to an estimated value of \$270,000.00 and a monetary contribution of \$1,147,400.00 .

The CIC is calculated at \$475.00 x per square metre of additional residential floor area above the maximum building height plane allowable under cl 4.3 of the RLEP.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development.

Works in Kind

17. The proposed works-in-kind shall be provided in accordance with the following:
- a. Details and costings of the works proposed to be carried out in accordance with Council's Kensington to Kingsford Community Infrastructure Contributions Plan and/or S7.12 Development Contributions Plan;
- The works must be carried out to Council's satisfaction and, where so satisfied, written acceptance of the proposed works will be provided by Council, such satisfaction not being unreasonably withheld.
- b. In circumstances where the proposed works are not feasible, are no longer required, or Council can carry out the works on a more cost-efficient basis or provide a superior quality product, a monetary contribution will be provided to Council in lieu of the proposed works.

Setbacks

18. Prior to the issue of any construction certificate, the approved Basement 1 Plan DA011 shall be updated to include dimensions for the setbacks of basement to the boundaries of the site (when measured from the external side of the basement wall). The setbacks (when measured from the external side of the basement wall) are to be as follows:
- A 1.2m setback shall be provided between the basement and the south-eastern boundary of the site (adjoining the pedestrian link);
 - A 5.2m setback shall be provided between the basement and the south-western (rear) boundary of the site;
 - A 0.7m setback shall be provided between the basement and the north-eastern boundary of the site (fronting Anzac Parade); and
- A nil setback shall be provided to the north-western boundary

Rooftop Plan15A. Prior to the issue of any construction certificate the approved Roof Plan DA021 and the approved Softworks Plan – Roof Top 405 and 406 shall be updated to confirm the location of skylights that are provided to rooms on Level 08. In addition, the approved Roof Plan and Softworks Plans shall be updated to ensure that there is no public access to the non-trafficable areas and a balustrade shall be provided to prevent access from common areas to any skylights at the Rooftop level.

Materials

- 15B. The material treatment of the perimeter wall shown in the northern elevation plan DA 032 screening the basement driveway shall be in accordance with the approved “Floor Plan – Ground: Material clarification mark up sketch” dated 16 October 2021, and the approved “Elevations – Short: Material Clarification mark up Sketch” dated 16 October 2021.

Long Service Levy Payments

19. 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.

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

Security Deposit

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

- \$15,000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Electricity Substation

21. 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

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

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

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

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

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

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

Telecommunications infrastructure

23. Prior to the issue of a Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
 - (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

NOTE: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Street Tree Management

24. The applicant must submit a payment of **\$1,288.40** (GST inclusive) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of the *Platanus orientalis* (Plane Tree, T1 in the Arboricultural Impact Assessment & Tree Protection Plan by The Ents Tree Consultancy, dated 09/12/20, "the Arborist Report"), from the Anzac Parade footpath, towards the northern site boundary, so as to accommodate the new vehicle crossing and basement entry/exit ramp in this same location as shown;
- b. A loss of amenity fee in recognition that the only reason this established tree is being removed from public property is to accommodate the development of private property, and as a replacement will not be possible due to the presence of other trees, power poles and driveways, this part of the fee will be directed towards additional public plantings elsewhere in the street and surrounding area.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

The applicant must then contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) and GIVING SIX WEEKS NOTICE to arrange for its removal, prior to the commencement of any other site works.

After this, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.

Street Tree Protection

25. In order to ensure retention of the row of five remaining *Platanus orientalis* (Plane Trees, T2-5) trees, located on the Anzac Parade footpath, across the width of this site in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, along with the position and diameter of their trunks, canopies, SRZ's, TPZ's and tree identification numbers in relation to any new works.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property can only be located an equal distance between their trunks, with the Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with these requirements.
- c. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring these conditions of development consent, the Recommendations of the Arborist Report and any other instructions issued on-site.
- d. 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.
- e. All Construction Certificate plans must show that any new flood protection walls or similar structures on public property around these trees has been deleted, with the overhead awning in Anzac Parade to also be setback from the back of the kerb, as has been shown on the Section A Plan, dwg DA-041, rev N, dated 20/10/21, with measurements in millimetres to be included to confirm compliance.
- f. The Project Arborist must undertake, or, personally supervise any excavations out on public property within their TPZ's, and if roots are encountered which need to be cut, the express written consent of the Project Arborist must firstly be obtained, and then can only be done

so by hand (not machinery), with time stamped photos confirming compliance to be submitted prior to any Occupation Certificate.

- g. Prior to the commencement of any site works, their trunks, as well as any affected branches, are to be physically protected by wrapping layers of geo-textile, underfelt, carpet or hessian, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- h. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
- i. Within their TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- j. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of their individual tree squares.
- k. The Principal Certifier and Project Arborist must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of works, and prior to any Occupation Certificate.
- l. A refundable deposit in the form of cash, credit card, cheque OR bank guarantee (with no expiry date) for an amount of **\$10,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form' and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6613).

Any contravention of Council's conditions relating to the street trees at any time during the course of the works, or, prior to an Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979

26. **Protection of trees within site**

In order to ensure the retention of those trees that are located wholly on adjoining private properties to the west, close to the rear/common boundary, being from north to south, **T7-10, T15, T22-23 and T32-36**, as well as **22** that are growing within this development site, at the rear of no.183A, near the western site boundary in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, along with the position and diameter of their trunks, canopies, SRZ's, TPZ's and tree identification numbers in relation to these new works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works and will be responsible for both implementing and monitoring these

conditions of development consent, the Recommendations of the Arborist Report and any other instructions issued on-site.

- 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. The Construction Certificate plans must show that all levels and parts of the new building will be setback a minimum distance of **6 metres** from the rear site boundary, for the full width of the site, with this area to be retained as undisturbed deep soil for the purposes of landscaping only.
- e. The proposed permeable/raised walkway shown across the width of the rear boundary must be provided above existing grades, be a flexible system that is supported on localised pad footings only, and also be designed and constructed in such a way that it incorporates the retention of existing trees within this site, as well as protecting the root systems of those that are located on the adjoining private properties beyond the western boundary, and in this regard, RL's and other relevant constructions details confirming compliance must be provided.
- f. Any excavations associated with the installation of new services, pipes, stormwater systems or similar must not encroach their TPZ's by more than 10%, with the Project Arborist and Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with these requirements.
- g. These trees are to be physically protected (as one continuous group) by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **5 metres** from the rear/western site boundary, across the full width of the site, matching up with each of the side boundaries so as to completely exclude/enclose these trees for the duration of works.
- h. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- i. Ground levels within the TPZ must not be altered by more than 200mm, and other than the elevated walkway, there are to be no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil.
- j. If the protective fencing described in point 'g' above needs to be removed so as to facilitate works or similar, then the Project Arborist must firstly authorize this in writing, with alternative ground protection, comprising strapped together rumble boards, sheets of plywood or similar, to then be provided in its place, to the extent and discretion of the Project Arborist.
- k. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- l. All initial excavations for footings for the raised walkway, common boundary fencing or any other works within their TPZ's can only be performed by hand, either by, or, directly supervised by, the Project Arborist.
- m. Where roots with a diameter of **less than 50mm** are found which are in direct conflict with the approved works, and the Project Arborist gives permission for their pruning, they may then be cut cleanly by hand (with time stamped photos to be provided to confirm

compliance), with the affected area/s to be backfilled with clean site soil as soon as practically possible, so that the cut ends are not left exposed to the atmosphere.

- n. Where major roots with a diameter of **50mm or more** are encountered, which the Project Arborist determines must be retained, then footings or any other associated works must be relocated, re-designed or amended as necessary to allow their preservation, with the Construction Certificate plans to acknowledge that flexibility will be required for any new works within their TPZ's. The Project Arborist must also demonstrate compliance with this via time stamped photos, which are to form part of the Certification documents, prior to any Occupation Certificate.
- o. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- p. If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around affected areas, to which lengths of evenly spaced hardwood timbers shall be placed around their circumference, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- q. 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, and prior to any Occupation Certificate.

Land Contamination & Remediation

- 27. A NSW EPA 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.
- 28. An "Audit Schedule" is to be developed and documented having regard to the proposed staging of the development. This schedule is to include the details pertaining to the specific stages of the development, the anticipated timing and when an Interim Audit Advice and Final Statutory Site Audit Statement will be prepared and issued by the appointed Site Auditor for this development site.
The Interim Stages are to be agreed to all relevant parties and be provided to:
 - a) the appointed Site Auditor, and
 - b) Council, and
 - c) the owners(s), and
 - d) developer, and
 - e) the appointed builder.

As Interim Site Audits are issued and submitted to Council, a copy of this schedule is to be attached.

This Audit Schedule and the agreed time frames form part of this consent condition and must be complied with at all times.

- 29. The Remediation Action Plan prepared by JK Environments dated 4 August 2021 (RAP) shall be reviewed by an independent NSW EPA Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the appointed NSW EPA 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

Interim Audit Advices shall be provided to Council at agreed interim stages of the development. The Interim Stages are to be agreed to in writing by the Council and the appointed site auditor and the developer and the builder and the owner(s) prior to any Construction Certificate being issued. The agreed time frames form part of this consent condition and must be complied with.

A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing *any Occupation Certificate* for development. The Site Audit Statement and Summary Site Audit Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

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 OEA/EPA and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

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 (which includes 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*.

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 and implemented, to the satisfaction of a suitably qualified and experienced specialist and 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.

Acoustic Privacy

30. Noise emissions from plant and equipment and the use and operation of the development including structure borne noise must satisfy the relevant noise criteria in the *Protection of the Environment Operations Act 1997* and Environment Protection Authority guidelines and details to demonstrate compliance with the relevant noise criteria shall be included in the construction certificate.
31. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council 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
 - a. *Protection of the Environment Operations Act 1997*,
 - b. Environmental Protection Authority Noise Control Manual & Noise Policy for Industry 2017; and
 - c. The adopted Council K2K DCP and development control measures as set out in Section 14 Acoustic Privacy and Section 26 Student Accommodation; and
 - d. relevant conditions of consent (including any relevant approved acoustic report and recommendations), and
 - e. Australian Standard AS2107:2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors".

The assessment and report must include all relevant fixed and operational noise sources and satisfy the requirements as detailed in the relevant DCP.

32. In accordance with the K2K DCP Section 14 (k) A noise and vibration assessment report, prepared by an appropriately qualified acoustical consultant/engineer, is to be submitted prior to any Construction Certificate being issued for new buildings addressing appropriate measures to minimise potential future noise and vibration impacts permissible in the B2 Local Centre Zone including amplified music associated with restaurants, small bars and cafes, noise from light rail movements. This assessment is to:
- a) be prepared having regard to the NSW Environmental Protection Authority's Noise Policy for Industry, the DECC (EPA) Assessing Vibration, a Technical Guideline, and relevant Australian Standards pertaining to noise measurements and the noise conditions identified above
 - b) incorporate an assessment of external noise sources and internal noise sources (such as mechanical ventilation) with respect to the criteria specified under Section 14 b), c) and d) of the K2K DCP; and
 - c) detail the design measures needed to achieve the required internal acoustic amenity specified under Section 14 b), c) and d) of the K2K DCP;
 - d) Clearly stipulate actual number of boarders maximum permitted.
33. Not used.

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

34. 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).
35. 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 Certifier.

BASIX Requirements

36. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included in the Construction Certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

Site stability, Excavation and Construction work

37. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifier for the development:-
- a) 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.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) 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.
 - d) 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 Certifier*.
 - e) 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 *Certifier*.

Traffic Conditions

38. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the Principal Certifier, are to be included in the construction certificate documentation.
39. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Design Alignment Levels

40. 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:

- **To be obtained in writing from Council's Development Engineering Section following consideration of Civil Design plans and Transport NSW requirements.**

The design alignment levels at the property boundary as issued by Council 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

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

41. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$4640** calculated at **\$57.00** per metre of Anzac Parade site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Flood Management & Stormwater Drainage

42. The proposed internal driveway shall be designed with a high point at the determined 1 in 100 year flood level with a flood gate to provide protection for the required 300mm freeboard. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
43. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
44. The ground floor level shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the Principal Certifier with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

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

All proposed footings located adjacent to drainage easements shall either be:

- A. Founded on rock, or;
- B. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

The footings must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the Principal Certifier prior to proceeding to the subsequent stages of construction.

46. 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 Principal 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 Principal Certifier. 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

- d) 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.
- e) 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.
- f) 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.

47. 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 *Principal Certifier* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly into the underground drainage system located in Anzac Parade via a new and/or existing kerb inlet pits subject to the approval of Transport NSW(RMS).
 - ii. To a suitably designed infiltration system (subject to confirmation from a suitably qualified geotechnical/hydraulic engineer that the site is suitable for infiltration in consideration of the flooding and geotechnical characteristics).

- c) An on-site stormwater detention system (OSD) 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 Principal Certifier. Should the calculated permissible site discharge exceed 25L/s and is proposed to discharge to the street gutter, then the discharge shall be restricted to a maximum of **25 L/S at each gutter outlet**.

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.

Variation to the OSD requirements may be considered if it can be suitably demonstrated to the satisfaction of Council's Development Engineers that OSD is not possible or impractical due to the sites flooding issues.

- 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.
 - 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.

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)

- 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.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- h) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- i) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- j) 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.
- k) 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 arrester pit shall be regularly inspected and cleaned".

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

- l) 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).

- m) 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.

- n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o) 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.
- p) Mulch or bark is not to be used in on-site detention areas.
- q) 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.
- r) Any onsite detention/infiltration systems shall be located in areas easily accessible.

Groundwater & Dewatering

48. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table), the following requirements apply:
- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
- Should have a design life of 100 years.

- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the Principal Certifier, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Principal Certifier.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

49. Prior to the issue of a construction certificate, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from the Office of Water).
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).

- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
 - appropriate and in accordance with 'best practice' principles; and
 - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

Any practices or recommendations made by the consulting engineer/s in the approved report must be implemented accordingly and the dewatering process must be monitored by the consulting engineer/s to the satisfaction of the Principal Certifier.

Waste Management - Provision for Automated Waste Collection System

50. Plans submitted for the Construction Certificate shall make provision for installation of an Automated Waste Collection System (AWCS) including but not be limited to;
- A third waste chute of minimum diameter 0.25m immediately adjacent to the two proposed waste chutes, for future use for food/organic waste.
 - A space is to be set aside/identified adjacent to the internal Loading bay or other suitable location for a future connection point to enable collection by a designated Council Collection Vehicle.
 - Appropriate space for associated Tanks & Pipe infrastructure to the connection point.
 - Appropriate space for bulky waste that cannot be accommodated by the AWCS shall be provided adjacent to loading bay amounting to a minimum of 20m³.

Confirmation of the above and other requirements shall be obtained by a suitably qualified AWCS Waste consultant to the satisfaction of the Principal Certifier.

Amended Waste Management Plan

51. Operational Waste Management for the boarding house development plan is required to be in accordance with one of the following two options;
- A. Full Implementation of the Automated Waste Collection System (AWCS) for the boarding house component upon commencement of operations/occupation of the boarding house.
 - B. Bin Collection on site by Council for all residential boarding house waste for a maximum period of 3 years from the commencement of operations of the boarding house after which full implementation of the Automated Waste Collection System (AWCS) shall occur.

NOTE – Council will consider increased collection frequencies during this interim period. An amended Waste Management Plan detailing one of the above options for all of the development, is required to be submitted to and approved by Council's Waste Management Coordinator. The Waste Management Plan must also include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
 - The type and quantity of waste to be generated by the development.
 - Demolition and construction waste, including materials to be re-used or recycled.
 - Details of the proposed recycling and waste disposal contractors.
 - Waste storage facilities and equipment.
 - Access and traffic arrangements.
 - The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
 - Provision for Food organics Garden Organics (FOGO) shall be made until the Automated Waste Collection system is implemented.
52. The commercial garbage area must be separated from the residential bin storage areas.
53. The applicant shall enter into an indemnity agreement with Council to ensure Council collection vehicles and waste contractors will be covered in the event of an accident or injury on private property.
54. Travel paths for bins >240L shall not exceed a grade of 6%
55. 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

56. 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

57. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

Amended Landscape Plans

58. The Landscape Design Package by Arcadia, dated October 2021, Issue 18 must be revised to now include and comply with the following additional details;
- a. Construction details of the elevated walkway shown for the common open space across the width of the rear boundary, including sections, finished levels, footings, materials, seating, hard-works and similar; showing that the boardwalk will be elevated above

existing ground levels and will be supported by pad footings so as to protect the root systems of neighbouring trees.

- b. Security/surveillance/lighting strategy, and any other elements deemed necessary for its safe use by future occupants.
 - c. Details about access/security for the pedestrian gate between the pedestrian link along the southern boundary and the Rainforest Walk.
 - d. Details of how the planter/green façade is to be accessed and managed including a maintenance regime.
 - e. Tree ID numbers for trees being removed are required to be shown on the plans.
59. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the revised scheme, submitted for the Construction Certificate, complies with the requirements specified above, with both this written statement and amended plans to then be submitted to, and be approved by, the Principal Certifier.

Noise Emissions

60. Noise emissions from plant and equipment must satisfy the relevant noise criteria in the Protection of the Environment Operations Act 1997 and Environment Protection Authority guidelines and details to demonstrate compliance with the relevant noise criteria shall be included in the construction certificate.
61. The boarding rooms are to achieve the following internal acoustic amenity criteria:
- a) In naturally ventilated boarding rooms; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open.
 - b) In boarding rooms provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
 - 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria are to be included in Construction Certificate application.

62. Any food premises are to be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
63. The design and construction of any food premises and communal kitchens should comply with the following requirements (as applicable):
- Floors of kitchens and food preparation areas and the like are to be constructed of materials which are impervious, non-slip and nonabrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - Walls of kitchens and preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas.

- Glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.
- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- Ceilings of kitchens, food preparation areas and storerooms are to be of rigid smooth-faced, non-absorbent material (i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material) painted with a light-coloured washable paint. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings and an electronic insect control device must also be provided within food premises.
- A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.

Sydney Water Requirements

64. 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 a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

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 Certifier*', 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

65. 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*.

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

- b) a *Principal Certifier* must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work and any applicable requirements of the *Home Building Act 1989* must be satisfied accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifier*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Dilapidation Reports

66. 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 Certifier*.

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

67. 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.

68. Not used.

Construction Noise & Vibration Management Plan

69. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, in accordance with the following requirements:

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the *Principal Certifier*.

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

Public Liability

70. The owner/principal contractor 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

71. Subject to the concurrence of Transport NSW, an application for a 'Works Zone' and Construction Traffic Management Plan shall also be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Anzac Parade 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 and must apply outside of the hours of the kerbside bus lane (clearway 6-10am). 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 work zone is to be managed by Council on behalf of Transport for NSW and written approval 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.

72. Not used..

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73. 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.

All conditions and requirements of the NSW Police, Roads & Maritime Services, State Transit Authority and Council must be complied with at all times

Civil Works

74. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

Public Utilities

75. 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.

Street Tree Pruning

76. **At least SIX WEEKS PRIOR** to the commencement of any site works, the applicant must determine whether any of the five street trees (T2-5) located on the Anzac Parade footpath, will require clearance pruning so as to avoid damage by deliveries/machinery, or interference with the approved works such as the overhead awning, scaffolding or similar.

If this will be required, it can only be performed by Council, wholly at the applicants cost, with the applicant to contact Council's Landscape Development Officer (9093-6613) to make the arrangements, with the specified fee then needing to be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to pruning, and prior to any Occupation Certificate.**

Public Domain

77. The applicant must obtain the express written consent (or otherwise) of Council's Coordinator Open Space Assets (9093-6911) for any proposed upgrade works, planting or similar, within the Anzac Parade footpath, as is currently shown on the Landscape Design Package by Arcadia, with the preparation and submission of any plans or details to be wholly at the applicant's cost, which must then be completed to Council's satisfaction, prior to any Occupation Certificate.

Public Walkway/Pedestrian Link

78. The applicant must also meet all costs associated with upgrading the full length and width of the walkway/pedestrian link that is located beyond the southern site boundary, between Anzac Parade and Roma Avenue, with all external works to be in accordance with Council's requirements for Civil Works on Council property.

A separate, detailed Landscape Plan for this area must be provided showing proposed paving design/finishes, street furniture, grades/finished levels, doors/entranceways, services, signage, bollards, lighting/light poles, interface with the development site and respective streetscapes, existing and proposed trees, areas of lower growing, mass-planting and any other details required by Council's Coordinator Open Space Assets (9093-6911) shall be submitted to, and be approved by, Council's Director of City Services, prior to the commencement of any of these external works.

The applicant must liaise with Council's Coordinator Open Space Assets, prior to preparation of these plans in order to obtain any other detailed, site specific landscape design requirements.

Following approval of this Plan, and prior to the commencement of the external works on public property, the applicant must also liaise with Council's Engineering Technical Officer on 9093-6922, regarding timing and scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

Council's Coordinator of Open Space Assets must provide their written certification confirming satisfaction with all aspects of the Walkway Plan, prior to proceeding with any external works on Council property, and prior to any Occupation Certificate.

Site Remediation

79. A *Site Remediation Management Plan* must be prepared prior to the commencement of site or remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan for the site and 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.

The Site Remediation Plan shall be reviewed and approved by the appointed Site Auditor. A copy of the approved Site Management Plan is to be forwarded to Council prior to commencing remediation works.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

80. Building works are required to be inspected by the *Principal Certifier*, in accordance with section 6.5 of 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

81. 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 2011;
- 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;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

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

82. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- Occupational Health & Safety legislation and WorkCover NSW requirements
 - Randwick City Council's Asbestos Policy
 - A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover 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 Certifier.

- 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 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifier.
- 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 upon 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Excavations, Back-filling & Retaining Walls

83. 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 Certifier.

Support of Adjoining Land

84. 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

85. 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 must be included in the Construction Site Management Plan and a copy must 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

86. 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

87. 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 to 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 *Principal Certifier*.

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

88. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:
- 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

89. 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 Certifier*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted

Additional requirements for all development	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted
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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

91. 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:

- 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 *Principal Certifier*.

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

92. 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

93. 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:

- Stormwater/De-Watering Management Plan (prepared by a suitably qualified Environmental Consultant);
- Detailed plans and specifications;
- 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

94. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
 - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
 - d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
 - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
 - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
 - h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
 - i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
 - j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
 - k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Roadway

95. 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

96. 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.
97. 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.
98. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

99. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Principal Certifier.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
100. 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.

Vegetation

101. Approval is granted for removal of the following vegetation from within this development site, so as to accommodate the footprint as shown (if not already removed during demolition works performed under DA/16/2021), and is subject to full implementation of the approved/amended Landscape scheme:
 1. Trees 11-12 at the rear of no.177, and T13-14 at the rear of no.179, around the northwest site corner, being the group of self-sown, undesirable weed species, comprising two Umbrella Trees, a Nettle Tree and a Camphor Laurel;
 2. The self-seeded She-Oak (T16) at the northwest corner of the existing building at 183, as well as the row in the northwest side setback of 183A, along the dividing fence, including a Camphor Laurel (T17) a Wild Olive (T18) and others in this same area;
 3. A Crepe Myrtle (T19) at the rear of the existing building of no.183A, an Avocado (Persea Americana) (T21) within the rear yard of no. 185, as well as the Camphor Laurel (T24) within the rear yard of no.187A;
 4. The group in the shared rear side setbacks between the buildings at no.183A & no.187A, being a Cocos Palm (T25) a Hills Weeping Fig (T26) a Bottlebrush (T27) and other smaller specimens in this same area;
 5. The Canary Island Date Palm (T28) adjacent the southeast corner of the existing building at no.185, as well as those to its west, in the side setback between no.189 and no.197, being a Willow Myrtle (T29) a Brush Box (T30) and a She-Oak (T31) around the southwest corner of the existing building at no.189;
 6. The entire group (T37-51) along the length of the southern site boundary of no.197, also extending around into the front setback, given their direct conflict with the

basement level in these same areas as shown, involving a variety of Brush Box's, She-Oaks and Bottlebrush's.

Pruning

102. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from those trees list for retention in this development consent, only where needed so as to avoid damage, or, interference with the approved works.
103. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.
104. All pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees'.

Street awning Certification

105. A report is required to be obtained from a professional structural engineer, which assesses and reports on the structural adequacy of the awning attached to the subject premises, located over the footway.

The report is required to:

- a) Confirm that the subject awning is currently structurally adequate and fit-for-purpose, or;
- b) Detail the necessary works required to be carried out to ensure that the awning is structurally adequate and fit-for-purpose.

In the case of a report provided in accordance with a) above, the report must be provided to Council and the Principal Certifier prior to the issuing of an Occupation Certificate or commencement of the use (whichever the sooner).

In the case of a report provided in accordance with b) above, the necessary works identified in the report must be carried out and a further report or certificate must be provided to the Council and the Principal Certifier which confirms that the necessary work has been carried out and the subject awning is structurally adequate and fit-for-purpose, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever the sooner) or other timeframe approved by Council in writing.

Notes:

- If works are required to make the awning structurally adequate, any necessary approvals under the Local Government Act (1993), Roads Act (1993) and/or the Environmental Planning and Assessment Act (1979) must be obtained prior to the commencement of works to the awning.
- The structural engineering report referenced in this condition is NOT required if evidence is submitted to demonstrate that the subject awning was approved and constructed less than 10 years ago.

Site Works & Remediation

106. All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkSafe NSW and the Environment Protection Authority, including:

- *Work Health and Safety Act 2011 and associated Regulations;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*

- NSW EPA Waste Classification Guidelines (2016).

107. 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 (2008). 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.

108. Site remediation must be carried out in accordance with the following requirements (as applicable):

- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- c) Remediation work shall be conducted within the following hours:
 - Monday – Friday 7am – 5pm
 - Saturday 8am – 5pm
 - No work permitted on Sundays or Public Holidays
- d) 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.
- e) The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

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.

Kensington and Kingsford Town Centre Affordable Housing Contribution

109. An affordable housing contribution is required to be paid to Council. The amount of the contribution is calculated in accordance with Clause 6.18 of the RLEP 2012, the Kensington and Kingsford Town Centres Affordable Housing Plan adopted by the Council on 10 December 2019.

Payment of this contribution shall be made prior to the issue of the Occupation Certificate.

The contribution rate is to be indexed twice a year, being the first day of January and July, with reference to the most recently published median strata dwelling price in Randwick City LGA, as detailed in the NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region – Strata. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution rate prior to payment.

Occupation Certificate Requirements

110. 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*.

Remediation Work

111. A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing any **Occupation Certificate** for development. The Site Audit Statement and Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

112. A report or statement must be obtained from the appointed Site Auditor or a suitably qualified Environmental Consultant, which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.

Acoustics

113. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Noise Control Manual & Noise Policy for Industry 2017, Council's conditions of consent (including any relevant approved acoustic report and recommendations and additional reports requested as part of the consent conditions issued for this development), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

Student / Boarding House Plan of Management (POM)

114. A Student Housing Operational Plan of Management is to be prepared and reviewed/approved by a suitably qualified acoustic consultant to confirm all recommended measures are included. Once approved the POM shall be submitted to Council's Manager Development Assessments for their written concurrence prior to any Occupation Certificate being issued reflecting any changes made to the amended development proposal and conditions of consent contained within this approval. The Plan of Management is to include (but not be limited to):
- a. Maximum number of students to be accommodated at any one time
 - b. Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day
 - c. On site security arrangements
 - d. A schedule detailing furnishing for sleeping rooms
 - e. Cleaning and maintenance arrangements
 - f. Ongoing operational arrangements to minimise and manage noise transmission to adjoining properties
 - g. Management and staffing arrangements and overview of each role's key responsibilities

- h. Measures to ensure ongoing workability of emergency systems including lighting and smoke detectors, sprinkler systems, and air conditioning
- i. Placement and composition of furnishing and fittings to achieve the appropriate fire safety requirements
- j. Measures to ensure how premises are to be regularly checked to ensure fire safety including that all required exits and egress paths are clear and free of locks and obstructions
- k. Provision of information on community and education services, including health, counselling, and cultural services
- l. House rules regarding occupancy and behaviour of students and visitors
- m. Critical Incident Management and Emergency & Evacuation Procedures
- n. Management procedures over holiday periods
- o. Total number of students/occupants permitted in each communal area;
- p. Nominate the hours of permissible use for each communal area including outdoor areas, laundry and kitchen areas;
- q. Restrict loud music, live music, large group gatherings and large parties from occurring in outdoor communal areas;
- r. Include the revision number and date the document.

The approved (**POM**) shall be complied with at all times.

Green Infrastructure

115. A maintenance plan that ensures the ongoing viability of the landscaping on the site shall be submitted to Council for approval prior to issuing of an Occupation Certificate.

Fire Safety Certificates

116. 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 an Occupation 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

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

BASIX Requirements & Certification

118. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifier must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifier* and Council upon issuing an Occupation Certificate.

Noise Control Requirements & Certification

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

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

120. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA Noise Control Manual & Noise Policy for Industry 2017, 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. Sources may include but not limited to all plant and equipment such as air conditioning units, mechanical ventilation and audio-visual equipment for outdoor cinema.

Street and/or Sub-Address Numbering

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

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

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

Compliance and Registration

122. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the *Boarding Houses Act 2012* and the premises must also be registered with NSW Fair Trading and Council (as applicable) prior to issuing an Occupation Certificate. The premises must also be registered with Council prior to occupation and on an annual basis, and the approved registration/inspection fee is to be forwarded to Council prior to occupation.

Council's Infrastructure, Vehicular Crossings & Road Openings

123. The owner/developer must meet the full cost for a Council approved contractor to:
- Construct a full width heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site on Anzac parade, to specifications and requirements of Transport NSW and Council.
 - Remove any redundant concrete vehicular crossing and layback and to reinstate the area with integral kerb and gutter to specifications and requirements of Transport NSW and Council.
 - Construct/reconstruct a full width footpath along the Anzac Parade site frontage, in accordance with Council's Urban Design Guidelines for Kensington Commercial Centre.

The landscape design may include pavements, seat and bin installations, trees, tree guards and tree grates as required by Council's Landscape Architect – 9399 0911.

The applicant/owner is requested to contact Council's City Services department on 9399 0537 to arrange for the required works on Council property to be carried out.

124. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
125. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

Service Authorities

Sydney Water

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

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

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

Undergrounding of Power

127. All power and cabling to the site shall be provided underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

Stormwater Drainage

128. 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.

- c. Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.
129. 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).
130. The applicant shall submit to the Principal Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.
- The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Principal Certifier.
131. The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.
132. There must be no dry weather seepage/groundwater flows discharging to Council’s street gutter or underground drainage system.

Flood Mitigation Measures

- 132A Prior to any Occupation Certificate, the Principal Certifier shall be satisfied that the completed development complies with the flood mitigation measures as detailed in the approved plans and flood study by ACOR Consulting Issue j dated 24th September 2021 or as amended by any approved Section 4.56 application.
- 132B Prior to any Occupation Certificate a “restriction on the use of land” (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that there are no future works on the property that could compromise the provided flood protection measures (eg retaining walls, flow paths) for the subject site and impact neighbouring properties. Such restriction shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The “restriction on the use of land” is to be to the satisfaction of Council. Please contact Council’s Development Engineer on 9093-6881 for provision of appropriate wording.
- 132C Reconstruct pedestrian link at the southern side of the site in accordance with Council’s Urban Design Guidelines for Kensington Commercial Centre, as required.

Landscaping

133. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the amended Landscape Design Package by Arcadia, dated 11/08/21, and any relevant conditions of consent.
134. Suitable strategies must then be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Project Arborist Certification

135. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification, including time stamped photos, which confirms compliance with the conditions of consent, the Arborists Report Recommendations, dates of attendance and works performed/supervised relating to retention of **T7-10, T15, T22-23 and T32-36**, as well as **22**.

Public Domain Certification

136. Prior to any Occupation Certificate, written certification must firstly be obtained from Council's Coordinator Open Space Assets, confirming satisfaction with all aspects of any completed external civil works and public domain improvements, whether being within the Anzac Parade footpath, or, for the Walkway/Pedestrian Link adjacent the southern site boundary, that runs between Anzac Parade and Roma Avenue.

Waste Management

137. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
138. The waste storage areas shall be clearly signposted.

Remediation Work

139. A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing any Occupation Certificate for development. The Site Audit Statement and Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

140. A report or statement must be obtained from the appointed Site Auditor or a suitably qualified Environmental Consultant, which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.
141. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Noise Control Manual & Noise Policy for Industry 2017, Council's conditions of consent (including any relevant approved acoustic report and recommendations and additional reports requested as part of the consent conditions issued for this development), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

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.

Use of Commercial Premises

142. No consent has been granted for the use of the commercial premises. A separate development consent (i.e. a DA or CDC) shall be obtained for the use of all commercial premises within the building.

Use of parking spaces

143. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

Fire Safety Statements

144. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council (at least on an annual basis) in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

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

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

Environmental Amenity

145. 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.
146. The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.
147. 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.
148. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an L_{Aeq}, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Noise Policy for Industry 2017 and Environmental Noise Control Manual (sleep disturbance).

149. The onsite manager or residential advisors must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents or any other affected constituents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the onsite manager or other site manager. The appropriate remedial action, where possible, is to be implemented immediately and management is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, management must make available the incident book to the police and/or Council authorised officers.

150. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of vibration or damage to other properties.
151. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 3 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
152. The use and operation of the premises shall not give rise to a public nuisance.
153. External communal areas are not to be provided with amplified or acoustic/live music at any time.
154. 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*.
155. The use and operation of the loading dock (including for waste services) is restricted to the hours of 7:00am – 10:00pm Monday to Saturday and between 8am-10pm on Sundays and Public Holidays.
156. The use of all outdoor communal areas is restricted to 7:00am – 10:00pm Monday to Sunday inclusive.
157. No large gatherings, parties are permitted in the communal open space areas.
158. The use and operation of the student housing / boarding house is to be undertaken in accordance with the detailed Plan of Management (and as amended) at all times.
159. Boarding Houses and other types of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the *Boarding Houses Act 2012* and the premises must also be registered with NSW Fair Trading and Council (as applicable) prior to issuing an occupation certificate.
160. Any changes to the proposed operation of the business may be subject to further development consent and/or a report may also be required to be obtained by a suitably qualified and experienced consultant in acoustics certifying the operation complies with the relevant noise criteria.

Occupancy and Management

161. The maximum permanent resident occupancy shall be clearly stated in the plan of management.
162. The on-site manager or Residential Advisors appointed to manage the student housing accommodation must be a responsible person over the age of 18 years and must be a permanent occupant.
163. A notice shall be placed near the entrance to the property in a visible position to the public advising of the manager's name and after hours contact number.
164. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management as updated in accordance via conditions) and that no variation shall be permitted without the further concurrence of Council.

Occupant Record

165. The owner or owner's agent shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.

Lease Agreement

166. All residents in the boarding house / student accommodation are to sign a lease or licence agreeing to comply with the Plan of Management (as updated in accordance with conditions) for the boarding house.

Maintenance

167. The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.

Food Storage

168. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises areas.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

169. Any food premises and all Communal Kitchens and outdoor areas must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

On-site Stormwater Detention (OSD) System

170. The On-Site Detention system must be regularly cleaned and maintained to ensure it functions as required by the design.

Residential Parking Permits

171. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
172. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

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 can issue your *Construction Certificate* and be your *Principal Certifier* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. 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 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 6971.
- 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.
- A8 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).
- A9 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.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A11 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.

- A12 A separate application must be submitted to and approved by Council for the discharge of ground water or stormwater in accordance with section 68 of the *Local Government Act 1993*, prior to commencement of the activity.
- A13 The communal kitchens should be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
- A14 An application must be submitted to and 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*.
- Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.
- A15 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*.
- 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 A separate application must be submitted to and approved by Council for the discharge of ground water or stormwater in accordance with section 68 of the *Local Government Act 1993*, prior to commencement of the activity.
- A18 Communal Kitchens should be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
- A19 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 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.
- 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.
- A21 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.