

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

Draft Development Consent Conditions



DA No:	DA/810/2021
Property:	137-151 Anzac Parade, Kensington
Proposal:	Integrated development application for demolition of existing structures, site remediation, and construction of a 9 storey mixed use development comprising ground floor commercial/retail premises and 142 dwellings on floors above, 2 levels of basement parking with vehicular access from Anzac Parade, tree removal, associated landscape and public domain works (variation to building height). Approval required by Water NSW.

Deferred Commencement Conditions:

Pursuant to Section 4.16 (3) of the Environmental Planning & Assessment Act 1979, notice is given that the abovementioned development application has been determined by granting of **deferred commencement consent** subject to the conditions below:-

This consent shall not operate until:

- A1 A Voluntary Planning Agreement (VPA) is entered into with the Council in accordance with the offer contained in the letter from Toga Development and Construction to Randwick City Council dated 20 June 2022 made pursuant to Section 7.7(3) of the Environmental Planning and Assessment Act 1979.
- A2 Immediately upon execution, the VPA shall be registered on the title to the land pursuant to Section 7.6 of the Environmental Planning and Assessment Act 1979.

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

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

Plan	Drawn by	Dated	Received by Council
A-010-010 (Siteworks – Site Plan), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-006 (Basement 02), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-110-007 (Basement 01), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-110-008 (Ground Level), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-010 (Level 01), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-020 (Level 02), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-030 (Level 03), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-040 (Level 04), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-110-050 (Level 05), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-060 (Level 06), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-070 (Level 07), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-080 (Level 08), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-100 (Roof Deck Level), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-110-110 (Roof Level), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-210-001 (East & West Elevation), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-210-002 (North & South Elevation), Revision PO3	Turner Architects	18 May 2022	22 May 2022
A-310-001 (Sections AA & BB), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-310-002 (Sections CC & DD & EE),	Turner Architects	28 April 2022	22 May 2022

Revision PO2			
A-410-610 (Adaptable Apartment Plans 01), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-410-620 (Adaptable Apartment Plans 02), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-410-630 (Adaptable Apartment Plans 03), Revision PO2	Turner Architects	28 April 2022	22 May 2022
A-890-001 (Materials & Finishes Board), Revision PO2	Turner Architects	28 April 2022	22 May 2022
LA02 (Site Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA03 (Site Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA02 (Ground Floor Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA04 (Ground Floor - Public Domain Interface), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA05 (Ground Floor - The Grove), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA06 (Level 2 – The Meadow), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA07 (Level 2 – The Meadow Details), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA08 (Level 9 – Rooftop Garden), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA09 (Ground Floor Planting Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA10 (Level 2 Planting Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA11 (Level 9 Planting Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA12 (Tree Removal and Retention Plan), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022
LA13 (Landscape Details), Revision C	Taylor Brammer Landscape Architects	14 December 2021	22 December 2022

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
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1109001M_05	20 December 2021	22 December 2021
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Amendment of Plans & Documentation

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

- a. A privacy screen a minimum height of 1.6m (as measured from the finished ground level) is to be provided along the western side of the two (2) areas of communal open space at Level 02.
- b. Public art and/or vertical landscaping is to be provided on the eastern portion of the northern elevation, being the blank wall fronting the northern pedestrian link located at Levels 01-03. Any public art is to be in accordance with section 29 (Public Art) of Part D of Kensington and Kingsford Development Control Plan 2020 Part E6.
- c. A minimum of one (1) electrical vehicle charging point is to be provided per five (5) parking space in accordance with section 22 (Sustainability) of Part C of Kensington and Kingsford Development Control Plan 2020 Part E6.

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 Construction Certificate 3 (as specified in Condition 32).

Voluntary Planning Agreement

3. 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 137- 151 Anzac Parade KENSINGTON NSW 2033.
4. 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 condition of this consent.

Site Consolidation

5. The applicant/owner shall prepare and register a 'Plan of Consolidation' that consolidates all current lots within the subject development site 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.

Car Share

6. A total of two carspaces within the development shall be reserved for use and managed by a "car share" operator.

The car share spaces must:

- Be made available to the car share operator without fee or charge
- Be signposted for use only by car share vehicles and be well lit
- Be publicly accessible at all times
- Be made available at the same time the proposed development is occupied
- Be accompanied by adequate insurances including public liability
- Be accompanied by promotional strategies to encourage awareness and participation of residents of the development in the scheme

There must be no variations to the number terms and operational conditions for the car share spaces until such time as a Section 4.55 variation to the development consent is lodged with and approved by council.

Pedestrian Link

7. The pedestrian link at ground floor level shall allow public access at all times unless a CPTED assessment and comments from NSW Police deem it should have restricted hours of access. Details of any measures to restrict access to pedestrian link shall be submitted to and

approved by Council's Manager Development Assessment prior to the issue of an Occupation Certificate.

Share way/Laneway

8. The 6m wide "future laneway" along the entire western side of the site is to be retained as a share way. Once the western laneway/share way is made accessible from Todman Avenue, public access is to be allowed at all times, and the area is to comprise a share way.
9. A suitable covenant (or equivalent) is to be placed on the title of the subject property which states that public access is permitted within the 6m wide western laneway, and the 3m wide northern pedestrian link. The applicant must liaise with Council to obtain Council's wording and requirements for the covenant. Evidence of the registered covenant is to be provided to Council's Manager Development Assessment prior to the issue of an Occupation Certificate.

Note: Council must be named as the authority benefitted by the covenant and also the authority with the power to vary the covenant.

Water NSW – General Terms of Approval

10. The General Terms of Approval from Water NSW provided in the letter dated 20 May 2022 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 General Terms of Approval for proposed development requiring approval

under s89, 90 or 91 of the Water Management Act 2000 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.waternsw.com.au/customer-service/waterlicensing/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.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

11. The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity

Transport for NSW Conditions

12. All buildings and structures, 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.
13. Redundant driveways on Anzac Parade shall be removed and kerb and gutter reinstated to match existing.
14. The proposed driveway on Anzac Parade shall conform to AS2890.1 and AS2890.2 and TfNSW requirements. The driveway is classified as a Category 3 driveway under AS2890.1, which requires a minimum entry width of 6 metres., exit width of 4m and minimum separation of 1 metre.
15. The design and construction of the kerb and gutter works and new vehicular layback 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.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works

16. All vehicles shall enter and exit the site in a forward direction.
17. 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 GTD2012/001.

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 developerworks.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.

18. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Anzac Parade are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to developerworks.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

19. 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.
20. 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 Kingsford 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 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 Sydney Coordination Office within Transport for NSW 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.
21. 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>.
22. 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.
23. The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.
24. 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.
25. 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.
26. 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.
27. 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
28. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

Ausgrid Conditions

29. The development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
30. The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Sydney Airport Conditions

31. The following requirements of Sydney Airport letter, dated 25 February 2022 are to be adhered to:

- (a) The building is not to exceed a maximum height of 60.31 metres AHD, this is inclusive of all lift over-runs, vents, chimneys, ariels, TV antennae, construction cranes etc.
- (b) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that a separate approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

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

32. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation relevant to the following Construction Certificates:

Construction Certificate 1: Demolition of existing structures and slabs as outlined in approved development application.

Construction Certificate 2: All excavation and basement work, including basement walls, slabs, inground civil works and substructure and retention up to and including the proposed ground floor level slab.

Construction Certificate 3: Construction works above ground, including frame, façade, services, and all internals required to complete the building as outlined in the Development Application.

Construction Certificate 4: Public Domain and Landscaping works.

External Colours, Materials & Finishes

33. The colours, materials and surface finishes to the development must be consistent with the relevant plans and documentation provided with the development application (including the relevant photomontages).

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 of construction certificate 3 for the development.

Kensington and Kingsford Town Centre Section 7.12 Development Contributions

34. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$65,333,547 the following applicable monetary levy must be paid to Council: \$653,335.45.

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:

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Kensington and Kingsford Town Centre Community Infrastructure Contributions

35. In accordance with Clause 6.17 (Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres) of the RLEP 2012, a community infrastructure contribution (CIC) must be paid to Council, comprising on-site works along the Anzac Parade frontage as per Council's CIC Plan, and/or a monetary contribution.

The details of the CIC that must be paid under this condition are set out in the Applicant's offer contained in the letter from Toga to Randwick City Council dated 20 June 2022.

Any monetary contribution component of the CIC in the Applicant's offer must be paid in cash, bank cheque or by credit card prior to an occupation certificate being issued for the proposed development.

Works in Kind

36. 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) For the avoidance of any doubt, this condition is subject to the terms of the Voluntary Planning Agreement to be executed by the parties and referred to at Condition of this consent. The Voluntary Planning Agreement will prevail over this condition to the extent of any inconsistency.

Compliance Fee

37. A development compliance and enforcement fee of \$10,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Long Service Levy Payments

38. 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.

Security Deposits

39. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979*:

- \$20,000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

40. The applicant must liaise with Ausgrid prior to obtaining a construction certificate 3 (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.

Flood Barrier Walls / Flood Gate

41. Prior to lodging any construction certificate for the proposed development the applicant must submit to Council for approval, and have approved, full design details and specifications for any proposed flood wall and/or flood gate, if the development includes the use of flood gates. The applicant must liaise with Council's Development Engineer to obtain Council's requirements for the required flood wall / flood gate submission. All construction certificate applications must demonstrate compliance with the approved flood wall and flood gate details, if applicable.

This condition is not required if the flood gates are removed and a portion of the internal levels transition from the existing boundary levels at the entry of the commercial areas to the 1%AEP flood level.

Sydney Water Requirements

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

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

*The Sydney Water **Tap in™** online service replaces the Quick Check Agents as of 30 November 2015*

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

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

Sydney Water's **Tap in™** online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Telecommunications infrastructure

43. Prior to the issue of a Construction Certificate 3 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 Removal

44. The applicant must submit a payment of **\$788.40 (GST inclusive)** to cover the costs for Council to remove, stump-grind and dispose of the most southern street tree, *Platanus x hybrida* (Plane Tree, T5) from the Anzac Parade footpath, in front of no.151, so as to accommodate the new vehicle crossing/basement ramp in this same location as shown.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to any 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 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 9093-6963.

Street Tree Protection

45. In order to ensure retention of the row of four *Platanus x hybrida* (London Plane Trees) on the Anzac Parade footpath; being T1, just past the scope of works/northern boundary of no.135, as well as T2 centrally in front of no.137, T3 centrally in front of no.145, which is just north of the existing Right of Way, then lastly, T4 in front of no.151, within a separate, dedicated garden bed in good health as shown, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
- b. All four of these trees must also be incorporated as existing site features into the external Public Domain improvements, with adjustments/amendments to be made to the plans/intended designs where necessary to comply with this.
- c. Each of their trunks must be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around their trunks, from ground level to a minimum height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around their circumference, and are to be secured by 8-gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

- d. This protection must 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".
- e. 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 around their trunks, with all Site Management Plans to acknowledge these requirements.
- f. The applicant is not authorised to perform any other works to these public trees and must contact Council's Landscape Development Officer on 9093-6613 should **clearance pruning** or similar be needed. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING SIX WEEKS NOTICE, with payment to be received prior to pruning, and prior to any Occupation Certificate. This will need to be performed prior to commencement of works to minimise the chance of damage being caused to the trees by machinery, deliveries and similar.
- g. **Where roots with a diameter of 40mm or more are encountered during Public Domain improvements, which are in direct conflict with the approved external works, then Council's Landscape Development Officer (9093-6613) must firstly be contacted for a site inspection of the affected area/s before proceeding further with these works. The applicant must document compliance with the requirements of this condition via time-stamped photos, which must be submitted to Council when applying for refund of the Security Deposit/Tree Bond.**
- h. Where Council gives permission for root pruning, they may then be cut cleanly by hand (using only hand-held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible so that the cut ends of roots are not left exposed to the atmosphere.
- i. Where more major, structural type roots are found, which Council determines must be retained, then an alternative design solution/outcome will need to be presented to, and be approved in writing by, Council's Landscape Officer, prior to proceeding further with external works in these areas.
- j. The 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.
- k. A refundable deposit in the form of cash, credit card, cheque OR bank guarantee 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 five trees.

The refundable 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 these 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.

Protection of neighbouring private trees

- 46. In order to ensure retention of the *Castanospermum australe* (Black Bean, T6) and *Banksia integrifolia* (Coastal Banksia) that are located wholly in the rear setback of the adjoining site to the south, 7 Addison Street, close to the common boundary, as well as those within the rear

setbacks of other private properties past the western site boundary, comprising firstly, within 17-21 Villiers Street, two *Eucalyptus scoparia* (Wallangarra White Gums, T7-8), in the northeast site corner, then the hedges of *Photina* (T14), *Murraya* (T15) and *Waterhousia floribunda* (Weeping Lilly Pilly, T16) to their south, into the southeast corner of this site, then further to their north, a *Cupressus sempervirens* (Italian Cypress, T12) and an *Elaeocarpus reticulatus* (Blueberry Ash, T13), within 7 Villiers Street, and lastly, a *Ficus rubiginosa* (Port Jackson Fig, T10) within no.1-3 Villiers Street in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, SRZ, TPZ and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 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 consent, as well as providing and implementing a site specific Tree Protection Plan.
- 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. A fully detailed and engineered construction methodology of how the existing block walls along the length of both the southern and western site boundaries will be demolished and re-constructed, including how the differences in ground levels between these two sites will be temporarily supported/shored up during this time so as to prevent de-stabilising the trees, as well as how the exposed root soil/roots will be protected from drying out; must be submitted to, and be approved by, the Project Arborist, prior to the commencement of ANY site works, with the approved methodology to then be shown on all plans, be complied with on-site throughout the course of works, as well as be directly supervised by, the Project Arborist.
- e. Where possible, so as to minimise disturbance to these neighbouring trees, sections of the existing common boundary masonry walls described above shall be retained in-situ, with the construction method of how this will be achieved to be accepted in writing by both the site Engineer and Project Arborist, prior to commencing with this component.
- f. **Council's Landscape Development Officer (9093-6613) must be contacted, prior to commencing with demolition of these common boundary walls, giving 5 working days-notice, where the Project Arborist will be required to describe the course of action to be taken, and how this will avoid impacts on these neighbouring trees.**

An Occupation Certificate cannot be issued without this joint site inspection having taken place at this time.

- g. The Project Arborist must then document compliance with this component of the works, via time-stamped photos, which must then be included in the Final Compliance Report.
- h. All Construction Certificate plans must show all levels and parts of the new footprint and building will be offset a minimum distance of 6 metres from the western site boundary, along its full length, with this area to then be provided as undisturbed deep soil.

- i. There must be no storage of materials, nor is cement to be mixed or chemicals spilt/disposed along the fence line adjacent their trunks, with all Site Management Plans 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 along the common boundary.
- k. Where roots require pruning to accommodate the approved works, this can only be performed by the Project Arborist or as agreed by the Project Arborist, cleanly by hand or as determined by the Project Arborist, with the affected area/s to be backfilled with clean site soil as soon as practically possible, and/or the cut ends of roots wrapped in fabric to prevent their drying out.
- l. The 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.

Transport for NSW Conditions

Process of Endorsement of Conditions

47. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, 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 they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents.

48. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, 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. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
- 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

49. 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

50. 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

51. 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

52. 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

53. 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

54. 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

55. Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. 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

56. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, 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.

Land Contamination and Remediation

57. A *Detailed Site Contamination Investigation* Report must be submitted to Council's Director of City Planning prior to issuing any Construction Certificate for the development or commencing demolition work (whichever the sooner). The detailed investigation must be undertaken by a suitably qualified Contamination Land Consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with the relevant guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites; the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013); and the NSW Contaminated Land Planning Guidelines. The report is to assess the nature, extent and degree of contamination upon the land.

- 1) a) Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that "the land is suitable for its intended land use, posing no immediate or long-

term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and it is not necessary to carry out any remediation work or further investigations.

- b) The written concurrence of Council must be obtained **before any Construction Certificate is issued** for the development, which confirms that Council does not require further investigations or site remediation work to be undertaken or, require other matters to be satisfied.
- 2) Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013), the following requirements must be complied with:

- a) The site must be remediated in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and the *Protection of the Environment Operations Act 1997*.
- b) A Remediation Action Plan (RAP) is required to be developed to the satisfaction of an Accredited Site Auditor and be submitted to Council, **prior to the commencement of any excavation or site remediation works**.

The RAP is to be prepared by a suitably qualified Contaminated Land Consultant, in accordance with the guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

The RAP shall include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
- Site management planning,
- Validation sampling and analysis,
- Prevention of cross contamination and migration or release of contaminants,
- Groundwater remediation, dewatering, drainage, monitoring and validation,
- Unexpected finds.

- c) A suitably qualified Land Contamination Consultant must be appointed to monitor and ensure compliance with the adopted remediation strategy and to validate the site remediation works.
- d) A NSW Environment Protection Authority (EPA) Site Auditor (accredited under the *Contaminated Land Management Act 1997*), must be appointed to:
- review the site contamination and remediation strategies for the development;
 - assess the suitability of the site for its intended development and use;
 - monitor the site remediation works and issue any necessary Interim Audit Advice statements; and
 - issue a Site Audit Statement and Site Audit Report upon completion of the remediation of the site.
- e) A site remediation *Audit Schedule* shall be developed by the appointed Site Auditor and be submitted to Council with the RAP and prior to commencement of any site works, which outlines the proposed remediation strategy and proposed timing for the issue of any *Interim Audit Advice* statements, having regard to the staging of the remediation strategy and construction works.
- f) An *Interim Audit Advice* must be obtained from the Site Auditor, which confirms the suitability and implementation of the remediation strategy throughout the site

remediation and construction site works prior to commencement of any site works and at the stages specified in the *Audit Schedule*.

- g) A copy of the site remediation *Audit Schedule* and *Interim Audit Advice* statements must be submitted to the Council and the owner, building certifier and principal building contractor for the development, prior to commencement of works and at the stages specified in the *Audit Schedule*.
- h) A *Site Audit Statement* and *Summary Site Audit Report* is to be submitted to Council upon completion of the site remediation works, which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999 (as amended 2013).

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- i) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a final Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to the issue of an *Occupation Certificate* for the development or as specified in the *Audit Schedule* (whichever the sooner).
- j) If the remediation strategy proposes 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- k) A *Site Remediation Management Plan* must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
 - general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - generation and control of dust from the site
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

- l) Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.

- m) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.
- n) The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan, strategies or conditions of this development consent.
- o) The remediation work must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and associated Regulations.

Parking Allocation

58. Prior to lodging a construction certificate the applicant must submit to council for approval, and have approved a detailed parking layout and allocation plan.

Parking for the development must be provided as follows:

- Total of 151 spaces;
- Two (2) spaces must be car share spaces;
- Eight (8) spaces must be allocated to the proposed commercial premises;
- Four (4) spaces must be allocated to the proposed retail premises
- Twenty one (21) visitor only spaces;
- One hundred and sixteen (116) residential spaces;
- A minimum of three (3) of the (8) commercial spaces must be available as visitor spaces outside of standard commercial hours and signposted as such.

All visitor parking and car share spaces must be suitably located for access by visitors.

The construction certificate plans must include the approved parking layout and carspace allocations. All future strata and/or stratum subdivision applications must be consistent with the approved parking layout and carspace allocation.

Heritage Conservation

59. For consistency in the documentary development to date, for the record into the future, and for future considerations of precedent, it is essential that the Statement of Environmental Effects (SEE) incorporates a section that addresses the several heritage issues outlined above. These are in respect of:

- (a) Individually listed items in the general vicinity
- (b) The adjacent Heritage Conservation Area
- (c) The contributory item as listed in the K-K DCP, as well as immediate precinct character in terms of heritage values

Details shall be submitted for Council's approval prior to the issue of the construction certificate.

Acoustic Amenity

60. Noise and vibration from the development must comply with the following requirements and a report demonstrating compliance must be prepared by a qualified Acoustic Consultant and

must be submitted to and approved by Council's Director City Planning, prior to the issue of Construction Certificate 3:

- a) Noise and vibration from the development shall be assessed in accordance with the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017, the DECC (EPA) Assessing Vibration – A Technical Guideline and relevant Australian Standards and conditions of this development consent.
- b) Noise from the development must not exceed the project amenity/intrusiveness noise level or the maximum noise level as detailed in the NSW Environment Protection Authority (EPA) Noise Policy for Industry 2017.
- c) Noise from commercial plant and use of the premises, when assessed as an LAeq, 15 min must not exceed the LA90, 15 min background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when in use (assessed with doors and windows closed).
- d) Residential dwellings in the mixed-use development are to be designed and constructed to satisfy the following acoustic criteria:

In naturally ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed:

- 35 dB(A) between 10.00pm and 7.00am in sleeping areas when windows are closed,
- 40 dB(A) in sleeping areas when windows are open (24 hours),
- 45 dB(A) in living areas when windows are closed (24 hours),
- 50 dB(A) in living areas when windows are open (24 hours).

In mechanically ventilated spaces – the repeatable maximum Leq (1 hour) should not exceed the following criteria (when the mechanical ventilation system is operating and doors and windows are closed):

- 38 dB(A) in sleeping areas between 10.00pm and 7.00am,
- 45 dB(A) in sleeping areas between 7.00am and 10.00pm,
- 46 dB(A) in living areas (24 hours).

With regards to the above, all residential dwellings with window or door openings are to be naturally ventilated. The reliance on windows and door being closed at all times is not permitted to achieve compliance with the above.

- e) The design requirements must comply with Australian Standard AS2107:2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors and the Department of Planning *Development Near Rail Corridor and Busy Roads – Interim Guideline*.

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

- 61. 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).

62. 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

63. 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 on the construction certificate 3 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.

Traffic Conditions

64. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to the vehicular entry into the basement should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m along the driveway 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 3 documentation.
65. 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. All vehicles must enter and exit the site in a forward direction. The Construction Certificate 3 plans must demonstrate compliance with these requirements.
66. The design alignment level (the finished level of concrete, paving or the like) at the property boundaries 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 (taking into account Conditions 10-26 and other relevant TfNSW conditions contained within the consent).**

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 9093-6924.

67. The above alignment levels and the site inspection by Council's Development Engineering Section will be issued at a prescribed fee of \$2492 calculated at \$56.00 per metre of Anzac Parade frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Stormwater Drainage & Flood Management

68. The applicant shall obtain from Council the critical 1%AEP (1 in 100 year) flood level for all points across the site. The proposed basement threshold shall be designed at least 300 mm above the determined 1%AEP (1 in 100 year) flood level. Flood gates may be used to make

up the freeboard from the 1%AEP flood level. Details demonstrating compliance with this condition are to be included in the construction certificate 2 documentation.

69. 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% AEP (1 in 100 year) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate 2 documentation.
70. A portion of the commercial areas on the ground floor may be at the existing boundary, with the remainder transitioning up to be at or all commercial areas on the ground floor shall be at or above the critical 1% AEP (1 in 100 year) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate 3 documentation.
71. The proposed development must not create significant increases to the predevelopment flood levels external to the site for all storm events up to the critical 1%AEP storm event. Typically any increase in flood level must not exceed 20mm (unless indicated on the **1%AEP Elevation Difference Developed minus Existing Plan** as contained in the Floodplain Management Report by Northrop submitted with the development application). Modelling must be produced to show the predeveloped and post developed flood levels for a range of storm events up to the critical 1%AEP flood event. The modelling must be submitted to Council for approval and be approved prior to the issuing of a Construction Certificate for the proposed development. The applicant must liaise with Council's Development Engineer Coordinator prior to undertaking the modelling.

The Construction Certificate plans must include the modelling and must reflect the alignment levels and public domain design adopted in the approved modelling.

72. The ground floor level located along the Anzac Parade site frontages 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.

73. 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 2 being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate 2 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 and 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.

74. 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 2.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or underground drainage system in front of the subject site in Anzac Parade; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 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. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;
 - i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
 - 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) 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.
- h) 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).
- i) 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.
- j) 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.

- k) 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).

- l) 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):
- 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - 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)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - 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.

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

Groundwater, Site Seepage & Dewatering

75. As the proposed basement levels 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 must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table must include a waterproof 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 certifying authority, prior to issuing the **construction certificate 2**. A copy of the engineer's qualifications and experience must also be submitted to the Certifying Authority.

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.

- 76. Prior to the issue of a construction certificate 2, a report must be submitted to and approved by the Certifying Authority, 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 NSW).
- 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 Water NSW, 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 Certifying Authority.

Site stability, Excavation and Construction work

77. 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*.

Waste Management

Waste Collection vehicle provision

78. The travel path from Anzac Parade to any waste collection point within the site must be designed as required to accommodate the loading and sweeping paths of a Council waste collection vehicle. A loading of 7 tonnes per axle shall be adopted. Plans and documentation submitted for the construction certificate shall demonstrate compliance with this requirement.

Provision for Automated Waste Collection System

79. Plans submitted for the Construction Certificate 3 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 0.22m 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 Anzac Parade for a future connection point to enable collection by a designated Council Collection Vehicle.
- Appropriate space for associated Tanks & Pipe infrastructure to the collection 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

80. Operational Waste Management for the residential component of the development 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 residential component upon commencement of operations/occupation of the boarding house.
- B. Bin Collection on site by Council for all residential waste for a maximum period of 3 years from occupation of the residential development 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 shall be made until the Automated Waste Collection system is implemented.

81. The garbage room/s shall be sized to contain any compactor (with safe working area) together with the required number of bins and with adequate provisions for access to all of the bins. Details showing compliance are to be included in the construction certificate 3. Any compactor system shall be set for a maximum of 2:1 compaction and managed by a caretaker and is to be located in an area that is not readily accessible by residents.
82. The commercial garbage area must be separated from the residential bin storage areas.
83. 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.
84. 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

85. 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.

Landscape Plans

86. 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 scheme submitted for the Construction Certificate is substantially consistent with the Landscape Plans by Taylor Brammer, dwg's LA00-13, rev C, dated 14/12/21, as well as being consistent with the current set of architectural plans by TURNER as referenced in Condition 1, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

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

87. 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.

Heritage Conservation

88. In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken, and the NSW Heritage Office notified under the requirements of the Heritage Act.

Dilapidation Reports

89. 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

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

- location and construction of protective site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- location and size of waste containers/bulk bins;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

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

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

Demolition Work Plan

91. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/work health and safety requirements.

The Demolition Work Plan must be submitted to the Principal Certifier, not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

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

Construction Noise & Vibration Management Plan

92. 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

- 93. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

Site Remediation

- 94. A *Site Remediation Management Plan* must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.

Hazard Materials/Asbestos

- 95. Hazard materials arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of SafeWork NSW and the Environment Protection Authority, and with the provisions of:

- *Work Health and Safety Act 2011*;
- *Work Health and Safety Regulation 2017*;
- *Protection of the Environment Operations Act 1997*;
- *Protection of the Environment Operations (Waste) Regulation 2014*;
- *NSW EPA Waste Classification Guidelines (2014)*;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- Randwick City Council's Asbestos Policy.

Details of Compliance must be provided to the Principal Certifier for the development and Council, prior to commencement of site works.

Transport for NSW Conditions

96. Construction The following TfNSW Conditions shall be complied with:

- Construction vehicles shall not be stopped or parked 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.

Construction Traffic Management

97. Conditional upon the prior support of TfNSW an application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils 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. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

98. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works

- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

99. Any necessary approvals must be obtained from NSW Police, Transport NSW, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Civil Works

Public Utilities

100. 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.

Public Domain

101. The applicant must meet **all costs** associated with upgrading the Anzac Parade site frontage in accordance with Council's Urban Design Elements Manual for the Kensington Commercial Centre, along with any other requirements that are specific to this site and development. All external works must be in accordance with Council's requirements for Civil Works on Council property except where required by the approved flood modelling as indicated on the 1%AEP Elevation Difference Developed minus Existing Plan prepared by Northrop and listed in Condition 1.

A separate, detailed streetscape plan for this frontage must show proposed paving design, street furniture, grades/finished levels, extent and location of awnings, doors/entranceways, steps, landings, handrails, services, signage, power/light poles, interface between the site and respective streetscapes, existing and proposed street trees, tree planting pits, tree guards, mass planted verges/gardens, 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 external streetscape works.

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

Following approval of the streetscape plans; and prior to commencement of the streetscape 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 external Public Domain works, prior to proceeding with any external works on Council property, as well as upon completion, prior to any Occupation Certificate.

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

102. 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

103. 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

104. 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

105. 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

106. 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

107. 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

108. 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

109. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
 - ☐ materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - ☐ building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - ☐ it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - ☐ as may otherwise be required by WorkCover, Council or the *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

110. 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

111. 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

112. 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

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

113. 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

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

Site Work & Remediation

115. All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkCover 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 DECC/EPA Waste Classification Guidelines (2008).*

116. 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.

117. 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.

Site Seepage & Stormwater during Construction

118. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Site plan

- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Office of Water NSW).
- Details of compliance with any relevant approvals and licences.

Road/Asset Opening Permit

119. 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

120. 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

121. 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.
122. 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.
123. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

124. 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.

Groundwater

125. 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.

126. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Tree/Vegetation Removal

127. Approval is granted for the removal of all vegetation from within this development site to accommodate the works in these same areas as shown, subject to full implementation of the approved Landscape Plans, and includes:
- A *Persea amercianna* (Avocado T9), an *Archontophoenix cunninghamiana* (Bangalow Palm, T11), a *Cinnammom camphora* (Camphor Laurel, T17) and two *Melia azedarach* (White Cedars, T18-19), within the front and rear setbacks of 139-141 Anzac Parade.

Pruning of Neighbours Trees

128. Permission is also granted for the minimal and selective pruning of only those lower growing, lower order branches from the following specimens, only where they overhang into the subject site, and need to be pruned in order to avoid damage to the trees; or; interference with the approved works, with smaller, more flexible branches to be tied back, along with implementing any other measures where necessary to minimise the amount of pruning that is performed:

- a) The northern aspects of the *Castanospermum australe* (Black Bean, T6) and *Banksia integrifolia* (Coastal Banksia), that are located wholly in the rear setback of 7 Addison Street to the south, only where needed to provide clearance for the piling rig in this specific area;
 - b) The eastern aspects of the row of specimens that are wholly within adjoining private properties to the west, being firstly within 17-21 Villiers Street, two *Eucalyptus scoparia* (Wallangarra White Gums, T7-8) in the northeast site corner, then the hedges of *Photina* (T14), *Murraya* (T15) and *Waterhousia floribunda* (Weeping Lilly Pilly, T16) to their south, into the southeast corner of this site; then to their north, a *Cupressus sempervirens* (Italian Cypress, T12) and an *Elaeocarpus reticulatus* (Blueberry Ash, T13), within 7 Villiers Street, and lastly, a *Ficus rubiginosa* (Port Jackson Fig, T10) within no.1-3 Villiers Street.
129. 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 neighbour/tree owner for access to perform this work.
- Pruning may be performed prior to the commencement of site works, if necessary, so as to minimize the chance of damage caused to the trees by site machinery and similar.
130. All pruning can only be undertaken by either the Project Arborist, or, they must directly supervise an AQF Level III Practicing Arborist, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
131. **The Project Arborist must also contact Council's Landscape Development Officer on 9093-6613 (giving 5 working days-notice) to arrange a joint site meeting, prior to pruning, to confirm the exact location and extent of pruning that is permissible, with the Arborist to comply with any instructions issued by Council.**

An Occupation Certificate cannot be issued unless this joint inspection has taken place.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

132. 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*.

Kensington and Kingsford Town Centre Affordable Housing Contribution

133. An affordable housing contribution is required to be paid to Council in accordance with the Voluntary Planning Agreement, 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.

The following dedication and residual contribution amount are required under the Voluntary Planning Agreement and upon dedication and payment, fully satisfy the requirements of this condition:

- Dedication of 528m² of housing stock (dwellings) (calculated in accordance with section 2.4 and 2.5 of the Affordable Housing Plan, being 3% of the total floor area of 17,609m²);

- Monetary contribution for any residual floor area, to be calculated in accordance with the applicable affordable contribution levy rate.

Details of the affordable housing dwellings to be dedicated are to be submitted to Council's Manager of Development Assessment for approval prior to the issue of any Occupation Certificate.

Dedication and payment of this contribution shall be made prior to the issue of the Occupation Certificate.

134. An affordable housing covenant must be registered, before the date of issue of any Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919. The covenant is to:
- (a) require affordable rental housing to be retained as affordable rental housing in perpetuity;
 - (b) require affordable rental housing to be managed in accordance with the Kensington and Kingsford Affordable Housing Plan and in accordance with Randwick City Council's Affordable Rental Housing Program and Procedures Policy (2006);
 - (c) allow for the removal of the covenant to facilitate the sale of affordable rental housing in accordance with Randwick City Council's Affordable Rental Housing Program and Procedures Policy (2006) asset management.
 - (d) Prior to the issue of any Occupation Certificate, evidence must be provided to Council demonstrating that the section 88E covenant for the purpose of affordable housing has been registered on the title.

Fire Safety Certificates

135. Prior to issuing an interim or Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

Structural Certification

136. 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.

Structural adequacy of awning over footpath

137. 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 complies with the requirements set out in BP 1.1 and BP 1.2 of Volume 1 of the Building Code of Australia (BCA), or;
- b) Detail the necessary works required to be carried out to ensure that the awning complies with the requirements set out in BP 1.1 and BP 1.2 of Volume 1 of the BCA.

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 is 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 complies with the requirements set out in BP 1.1 and BP 1.2 of Volume 1 of the BCA, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever is sooner) or other timeframe approved by Council in writing.

Note: If works are required to make the awning structurally adequate, an application to modify the consent may need to be lodged with Council and approval obtained prior to the commencement of any works to the awning.

Transport for NSW Conditions

Post - construction Dilapidation Report

138. 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

139. 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.

Council's Infrastructure, Vehicular Crossings & Road Openings

140. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete industrial vehicular crossing and layback at kerb opposite the vehicular entrance to the premises.
 - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Remove the existing concrete footpath / landscape areas and construct a new full width footpath (with suitable replacement landscaping incorporated) along the Anzac Parade site frontage, in accordance with approved Civil plans and Council's specifications and requirements. Note: the footpath works shall be generally in accordance Council's Urban Design Elements Manual for the Kensington Commercial Centre.
 - d) Remove the existing kerb and gutter along the Anzac Parade site frontage and construct new kerb and gutter with associated roadworks in accordance with approved Civil plans and Council's specifications and requirements. Note: the footpath works shall be generally in accordance Council's Urban Design Elements Manual for the Kensington Commercial Centre.
141. 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.
142. 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

143. 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

144. The applicant shall meet the full cost for any overhead power lines (*and/or telecommunication cables*) located along the Anzac Parade frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

Flood Walls and Flood Gates

145. 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 approved flood walls and/or flood gates are maintained to a suitable standard and function as designed. The applicant must liaise with Council's Development Engineer to obtain Council's requirements for the "restriction on the use of land" and "positive covenant" for the flood walls / flood gates.

This condition is required because the applicant proposes to locate sections of the commercial areas within the development below the critical 1%AEP flood level and use flood gates. Should flood gates not be required, this condition does not apply.

146. The applicant shall submit to the Principal Certifier and Council a statement from the manufacturer, confirming that any flood walls / flood gates have been installed in accordance with manufacturers specifications and they are capable of functioning in accordance with the design intent. Should flood gates not be required, this condition does not apply.

Stormwater Drainage

147. 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.
148. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
149. 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.
150. 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. There must be no dry weather seepage/groundwater flows discharging to Council’s street gutter or underground drainage system.
- Green Infrastructure**
151. 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 a Construction Certificate.
- Landscaping**
152. 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 (including all upper floors and the rear laneway/through-site-link), and that it has been installed substantially in accordance with the Landscape Plans by Taylor Brammer, dwg’s LA00-13, rev C, dated 14/12/21, and any relevant conditions of consent.
153. Documentation must also be submitted to, and be approved by, the Principal Certifier, which details that a regular maintenance regime will be applied to ensure that all common area planting and other items, including furniture and similar, will be maintained to a high-standard, including the replacement of failed stock, items and similar, so that the concepts and images presented in this application are fully delivered on-site, for the life of the development.

Public Domain Certification

154. Prior to any Occupation Certificate, written certification must firstly be obtained from Council's Coordinator Open Space Assets, confirming satisfaction with all aspects of the completed external civil works and public domain improvements related to this development.

Tree Protection Certification

155. Prior to any Occupation Certificate, written certification must firstly be obtained from Council's Landscape Development Officer (9093-6613) confirming that the requirement for a joint site inspection prior to demolition of the common boundary walls, as well as prior to Pruning, were both performed, as is required by the relevant conditions of consent, with any other instructions issued on-site also having been complied with.

Arborist Certification

156. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification which confirms compliance with the conditions of consent, requirements of the site-specific Tree Protection Plans, the dates of attendance and works performed/supervised relating to retention of **T6, T8-9, T10, T12-13 and 14-16**.

Waste Management

157. 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. The waste storage areas shall be clearly signposted.

BASIX Requirements & Certification

158. 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.

Remediation Work

159. 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.

Noise Control Requirements & Certification

160. 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.

Acoustics

161. 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 Environment Protection Authority Noise Policy for Industry 2017 and conditions of this development consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council.

The assessment and report must include all relevant fixed and operational noise sources and confirm the acoustic amenity criteria has been complied with. In addition, the report must confirm compliance with Australian Standard AS2107:2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors" and the Department of Planning *Development Near Rail Corridor and Busy Roads – Interim Guideline*.

Street and/or Sub-Address Numbering

162. 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.

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/Retail Premises

163. 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.

Residential Parking Permits

164. All prospective tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
165. 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.

Use of parking spaces

166. The car spaces within the development are for the exclusive use of the occupants and visitors of the building, including the commercial/retail premises and residential dwellings. The car spaces must not be leased to any person/company that is not an occupant of the commercial/retail premises or residential dwellings.

Car Share

167. A total of two carspaces within the development shall be reserved for use and managed by a "car share" operator.

The car share spaces must:

- Be made available to the car share operator without fee or charge
- Be signposted for use only by car share vehicles and be well lit
- Be publicly accessible at all times
- Be made available at the same time the proposed development is occupied
- Be accompanied by adequate insurances including public liability
- Be accompanied by promotional strategies to encourage awareness and participation of residents of the development in the scheme

There must be no variations to the number terms and operational conditions for the car share spaces until such time as a Section 4.55 variation to the development consent is lodged with and approved by council.

Stormwater Detention/Infiltration System

168. The detention area/infiltration system must be regularly cleaned and maintained to ensure it

functions as required by the design.

Fire Safety Statements

169. 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

170. 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.
171. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
172. 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*.
173. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
174. 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*.
175. 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.

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 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.
- 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.
- A13 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*.
- A14 The applicant/operator is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A15 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.
- A16 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.
- A17 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.