

Draft Development Consent Conditions



DA No:	DA/395/2022
Property:	77-103 Anzac Parade & 59A-71 Boronia Street, Kensington
Proposal:	Integrated development for the demolition of all structures and tree removal to facilitate the construction of a new shop top housing development comprising four distinct buildings with nine storeys fronting Anzac Parade and predominantly four storeys fronting Boronia Street (195 apartments / 6 affordable dwellings) above ground level retail premises, a supermarket and two basement levels with 243 parking spaces.

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 Urbis (on behalf of Anson City Developments 1 (Australia) Pty Ltd to Randwick City Council dated 15 November 2023 and the endorsed Council resolution at meeting on 28 November 2023 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.

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 4.16(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 2021* 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
AR-B10-AA-B2-A Issue P18 (GA Plan – Basement 02)	BVN	1 August 2023	22 August 2023
AR-B10-AB-B1 Issue P19 (GA Plan – Basement 01)	BVN	28 July 2023	22 August 2023
AR-B10-XX-00 Issue P21 (GA Plan – Ground Level)	BVN	4 August 2023	22 August 2023
AR-B10-XX-01 Issue P18 (GA Plan – Level 01)	BVN	1 August 2023	22 August 2023
AR-B10-XX-02 Issue P16 (GA Plan – Level 02)	BVN	1 August 2023	22 August 2023
AR-B10-XX-03 Issue P15 (GA Plan – Level 03)	BVN	1 August 2023	22 August 2023
AR-B10-XX-04 Issue P15 (GA Plan – Level 04)	BVN	1 August 2023	22 August 2023
AR-B10-XX-05 Issue P15 (GA Plan – Level 05)	BVN	1 August 2023	22 August 2023
AR-B10-XX-06 Issue P15 (GA Plan – Level 06)	BVN	1 August 2023	22 August 2023
AR-B10-XX-07 Issue P15 (GA Plan – Level 07)	BVN	1 August 2023	22 August 2023
AR-B10-XX-08 Issue P15 (GA Plan – Level 08)	BVN	1 August 2023	22 August 2023
AR-B10-XX-RF Issue P15 (GA Plan – Roof Level)	BVN	1 August 2023	22 August 2023
AR-C10-AA-01 Issue P13 (Street Elevations – West & East)	BVN	1 August 2023	22 August 2023
AR-C10-AA-02 Issue P12 (Street Elevations – North &	BVN	1 August 2023	22 August 2023

South)			
AR-C10-AA-04 Issue P13 (Courtyard Elevations – East & West)	BVN	1 August 2023	22 August 2023
LA01 to LD02 (Landscape Package), Revision P4	Taylor Brammer Landscape Architects Pty Ltd	4 August 2023	22 August 2023

Document reference	Dated	Received by Council
BASIX Certificate No. 1320141M_02	5 December 2023	5 December 2023
ESD DA Report – Ref: 301350899 – Rev. 06	18 April 2023	28 April 2023
NCC Section J Compliance Report – Ref: 301350899 – Rev. 002	22 July 2022	4 August 2022
Report on Geotechnical Investigation – Project 210308.00, Document No. R001.Rev1	22 July 2022	4 August 2022
Structural Design Correspondence – Ref: MM:SC CO/ST	12 April 2023	1 May 2023
DA Acoustic Assessment – Project ID: 20220328.2 – Rev. 3	19 December 2022	28 April 2023
Report on Preliminary Site (Contamination) Investigation – Project 210308.01 – Revision 1	22 July 2022	4 August 2022
Environmental Wind Tunnel Study – Ref: 610.30801-R03 – Version: -v1.2	21 July 2022	4 August 2022
Reflectivity Assessment – Ref: 610.30801-R02 – Version: -v1.0	18 July 2022	4 August 2022

Amendment of Plans & Documentation

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

- a. In order to address the engineering design parameters established in Part C of Kensington and Kingsford Development Control Plan 2020 (Part E6) and the Localised Automated Waste Collection Systems Using Mobile Vacuum Vehicles Design and Implementation Guidelines November 2022, amended plans are required to be provided for the automated waste management system vehicular loading point and the associated waste transfer pipework.
- b. Amended plans are to be submitted presenting further changes to external materials and finishes and to fenestration, in order to reduce the visual dominance of the development in relation to the adjacent two storey contributory building, and to improve the relationship of the development to the historic scale and height of the adjacent two storey contributory building, and better reference the principal influence line of the historic streetscape.

This localised design response to the contributory building would better integrate the southernmost bays of the development with the two storey scale of contributory building by relating materials, finishes and proportions of the ground and first floor levels of the development to its terracotta tiled roof and predominantly face brick walls and fine grained detailing, in lieu of the current white rendered masonry frame. The proposed design refinements are to be supported by a design statement prepared by a suitable qualified heritage consultant / architect.

- c. The detailed design of the photovoltaic system within non-accessible roof zones is to be submitted in accordance with the recommendations of the ESD report endorsed in Condition 1.

- d. The southern elevation living room and bedroom windows of Boronia Street Building A (Level 1-4) are to be treated with translucent and fixed glazing up to a height of 1600mm above finished floor level.
- e. Each of the residential lobbies to Boronia Street and Anzac Parade are to accommodate (2x) visitor bicycle storage racks and additional landscape features in areas that do not compromise pedestrian access.
- f. Public art and/or vertical landscaping is to be provided to a minimum of 30% of the Building C southern elevation blank wall above 103A Anzac Parade. 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.

Details of compliance with the above conditions are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate.

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 77-103 Anzac Parade & 59A-71 Boronia Street, Kensington NSW 2033.
- 4. Contributions paid to Council pursuant to the Voluntary Planning Agreement executed in accordance with Condition A1 are not 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 lots currently comprising the 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 prior to commencement of basement construction works.

Green Travel Plan

- 6. An amended Green Travel Plan shall be prepared in accordance with the approved plans and the conditions of consent and submitted to Council's Department of Integrated Transport for approval, which endeavours to minimise the parking and traffic generation of the proposed development. The green travel is to set out;
 - a) Future travel mode share targets and specifically a reduction in car driver mode share.
 - b) Travel demand management strategies & incentives to encourage sustainable travel.
 - c) Initiatives to implement and monitor travel measures such as car share and bike share.

The approved Green Travel Plan shall be implemented during the operational life of the development.

The Travel Plan shall be submitted to and approved by Council's Department of integrated Transport prior to the issuing of an Occupation certificate.

Car Share spaces

- 7. A minimum of 3 carspaces within the retail allocation of the carpark shall be reserved for use and managed by a 'car share' operator. The use of the carshare space shall be provided in accordance with the following requirements to the satisfaction of the Principal Certifier.

The car share space/s must;

- a) be made available to the car share operator without fee or charge
- b) be signposted for use only by car share vehicles and be well lit

- c) be publicly accessible at all times
- d) be made available at the same time as occupation of the development
- e) be accompanied by adequate Insurances including public liability
- f) be accompanied by promotional strategies to encourage awareness and participation of residents of the development in the scheme.

Transport for NSW Conditions

8. 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.
9. 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.
10. 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.
11. 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. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.
12. 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.
13. 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.
14. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

RMS Conditions

15. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Anzac Parade boundary.
16. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

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

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

17. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to

landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

18. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au

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

19. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
20. 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>

Ausgrid Conditions

21. The development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
22. 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

23. The following requirements of Sydney Airport letter, dated 18 August 2022 are to be adhered to:
- (a) The building must not exceed a maximum height of 62 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
 - (b) Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
 - (c) Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.

WaterNSW – General Terms of Approval

24. The General Terms of Approval from WaterNSW provided in the letter dated 22 November 2022 shall be complied with as follows:

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.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

25. The GTAs 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.

Contributory Building – Condition Reporting

26. A detailed assessment of the condition of the building/s located at 103A Anzac Parade and 1 – 7 Duke Street shall be carried out by the Heritage Structural Engineer prior to commencing works; at suitable intervals during the course of the excavation and construction work and; prior to issuing an occupation certificate for the development, which provides details of the condition of the subject building/s and which details any impacts or changes to the building which may be a result of the excavation and construction work.

A copy of the assessments and reports must be provide to the PCA, Council and owners of the subject properties.

Sustainable Transport

27. Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:
- a) Electric Vehicle Infrastructure
Electric Vehicle (EV) infrastructure as required by conditions of this consent shall be detailed upon construction certificate plans.
 - b) EV Charging - Bicycles
Secured EV charging facilities to be provided adjacent to the bicycle parking area in the basement parking level to permit charging of electric bicycles.

Provision of Electrical Vehicle Charging Facilities

28. Prior to the issue of any Construction Certificate, the applicant is to demonstrate the use of the following sustainability measures within the development:

- a) Provision for EV charging in accordance with the below requirements;
 - i) All residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare 15A circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.
 - ii) Provide EV Distribution Boards of sufficient size to allow connection of all 'EV-Ready' car spaces.
 - iii) Locate EV Distribution board(s) so that no future 'EV-Ready' car space will require a cable run greater than 55m from the parking bay to an EV distribution board and, ensure that no cables will obstruct vehicular circulation aisles. The development shall provide cable trays, electrical cabinets, and conduits sufficient to accommodate the electric circuitry to each 'EV-Ready' and 'EV Equipped' car space.
 - iv) EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power (full power being each individual connection being provided with not less than 2kW power and preferably 7kW power) at any one time during off-peak periods, to minimize impacts to maximum demand loads. In order to deliver this provision, an EV Load Management System and an active suitably sized connection to the main switchboard is required.
 - v) The EV Load Management System must be capable of:
 - Reading real time current and energy from the EV chargers under management via ethernet connection.
 - Determining based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged.
 - Scaling available capacity for residents to engage an EV Load Management provider to provide additional smart chargers to residential car spots over time.
 - Ensuring each multi-unit residential 'EV-Ready' car parking spaces are metered separately to their individual account as part of the 'EV-Ready' system.

The above measures shall be implemented on site prior to the issue of the Final Occupation Certificate.

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 2021*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

29. 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: Early works, including demolition of existing structures and slabs as outlined in the approved development application.

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

Construction Certificate 3: All construction works of the structure and buildings from ground level and above.

External Colours, Materials & Finishes

30. 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 any construction certificate for the development.

Kensington and Kingsford Town Centre Section 7.12 Development Contributions

31. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$103,984,225.00 the following applicable monetary levy must be paid to Council: \$2,599,605.63.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate 1 being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

32. 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 street frontages 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 Urbis (on behalf of Anson City Developments 1 (Australia) Pty Ltd to Randwick City Council dated 15 November 2023.

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 the construction certificate 3 relating to any works above the ground level being issued for proposed development.

The CIC is subject to the same CPI as referenced in Condition 29 above.

Works in Kind

33. 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.

Future Pedestrian Connection

34. Prior to construction certificate 3 being issued the applicant must submit to Council's Manager of Development Assessment for approval, and have approved, a detailed strategy for opening the northern boundary link with a future pedestrian connection (adjacent to northern elevation of the retail arcade). The strategy shall document the removal of the boundary wall and any required treatment to link with the future pedestrian connection.

The applicant must liaise with Council's Development Engineer prior to the preparation of the strategy to obtain all of Council's requirements. All costs associated with the future connection from the development site to the future pedestrian link must be met by the applicant.

Long Service Levy Payments

35. 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 \$250,000 or more, at the rate of 0.25% of the cost of the works.

Security Deposits

36. 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*:

- **\$15,000.00 - 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

37. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this

development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Sydney Water Requirements

38. 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

39. Prior to the issue of a Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

Survey Infrastructure

40. Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed Certifying Authority and the Council that includes and addresses the following:

- (a) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site.

- (b) The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor.
- (c) In the event that survey infrastructure is identified as vulnerable or will be affected or impacted upon by the approved development, a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required.

The applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any [survey mark](#) unless authorised to do so by the [Surveyor-General](#).

Contributory Building Excavation Management

41. Prior to issue of a Construction Certificate for the development, a report from a suitably qualified and experienced Heritage Structural Engineer must be provided to the satisfaction of the Certifying Authority, including the following:

- (a) Geotechnical details which confirm the suitability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the proposed development and adjoining properties.
- (b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings located at 103A Anzac Parade and 1 – 7 Duke Street.
- (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) Details of appropriate measures, monitoring regime/s and controls to be implemented during excavation and construction work, to maintain the stability and significance of the building/s located at 103A Anzac Parade and 1 – 7 Duke Street.

The information shall include; details of suitable specific plant and equipment; inspection regimes; development and implementation of appropriate vibration limits; adoption of relevant standards and criteria; monitoring equipment and vibration control strategies.

- (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 *Certifying Authority*.

Street Tree Management

42. The applicant must submit a payment of **\$10,249.90** (GST inclusive) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of the *Agonis flexuosa* (Willow Myrtle, T16 in the AMENDED Arboricultural Impact Assessment by treeReport Consulting, ver D1 dated 27/05/22; *the Arborist Report*) from the Boronia Street nature strip in front of no.61, as despite no longer being directly impacted due to the vehicle crossing and basement ramp now being relocated further to the south of its previous position, is in poor, declining and unsafe condition due to large cavities and

decay, with the replacement street trees detailed in point 'c' below to be of more long-term benefit to the site and streetscape;

- b. For Council to perform a composite prune/crown lift to all street trees surrounding this site so as to avoid damage to the trees and provide a clearance from piling rigs, trucks, hoarding, deliveries and similar, and includes the three Plane Trees (T1-3) along Anzac Parade, the three Hills Figs (T5-7) in Duke Street, and the various trees (T12-15 & 17) on the Boronia Street nature strip.

NOTE 1: Parts a-b above must be completed prior to the commencement of ANY site works, with the applicant to make payment as soon as possible to allow these tree works to be scheduled in.

NOTE 2: If the approved Construction Site Traffic Management Plan dictates that truck access is not approved in Duke Street then the Figs will not be impacted and a reduction in the Pruning fees would then apply.

- c. For Council to supply, plant and maintain 7 x 25 litre street trees upon the completion of all works, with the approved Public Domain plans needing to make provision for tree squares/planting pits as necessary, and will comprise:
 - i. Four *Platanus acerifolia* (Plane Trees) in the Anzac Parade footpath, being one spaced evenly between T1 & T2, then three more spaced evenly between T3 and the southern site boundary;
 - ii. Three *Callistemon viminalis* (Bottlebrush) in Boronia Street, being one spaced evenly between T15 & T17, then two spaced evenly between T12 and the sub-station further to the south.

This fee must be paid into **Tree Amenity Income** either by credit card over the phone or at the Customer Service Counter on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development** to facilitate the works.

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) GIVING A MINIMUM OF SIX WEEKS NOTICE to arrange for removal, pruning and replacement.

After advising of the receipt number, 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 9093-6964.

Street Tree Protection

- 43. The following street trees on public property as identified in the 'Arborist Report' must be retained:
 - i. **Anzac Parade frontage**, from north to south: Three mature *Platanus x acerifolia* (Plane Trees) being T1 in front of no.77-79, T2 in front of no.87 & T3 in front of no.89;
 - ii. **Duke Street**, from east to west: A *Platanus orientalis* (Plane Tree, T4) closet to the street corner, then three large *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs), being T5 just to the west of T4; T6 adjacent no.1 and T7 adjacent no.7, closest to the street corner;
 - iii. **Boronia Street** (southern group), along the side boundary of no.7 Duke Street, three *Robinia pseudoacacia* 'Frisia' (Golden Robinia's, T8-10) and a *Delonix regia* (Royal Poinciana, T11), then (northern group), three *Callistemon viminalis* (Bottlebrush, T12-14) adjacent 63 Boronia Street, another Bottlebrush (T15) in front of no.61 then a *Lophostemon confertus* (Brush Box, T17) in front of no.59A.
- 44. To ensure retention of the street trees listed above 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 their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arborist Report to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, as well as **Section 6**, 'Tree Protection Plan' and **Appendix IV**, 'Tree Protection Specifications' of the Arborist Report, along with any other verbal instructions issued on-site.
- c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a *'Final Compliance Report'* for the approval of the Principal Certifier, prior to any Occupation Certificate.
- d. All Construction Certificate plans must show that the footprint of the Basement Levels will be consistent with the set of architectural plans by BVN stamped received by Council 22/08/23, in terms of setbacks/offsets, deep soil and location of the basement ramp roughly equally between T11-12.
- e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be located outside of their TPZ's, and if this is not achievable for whatever reason, then they must be spaced equally between their trunks to minimize damage, with the Principal Certifier and project Arborist to ensure that all Services Plans are both prepared and then installed on-site to comply with these requirements.
- f. Demolition/removal of existing surfacing and structures, as well as all initial excavations for footings and similar within their TPZ's must be performed under the direct supervision of the Project Arborist, with time stamped photos to be taken to demonstrate compliance, which must then form part of a *'Final Compliance Report'*.
- g. Prior to the commencement of any site works, each of their trunks (as well as any lower growing branches) must be physically protected by wrapping layers of geotextile, underfelt, carpet, hessian or similar, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

NOTE 2: If the approved Construction Site Traffic Management Plan dictates that truck access is not approved in Duke Street then the Figs will not be impacted and these measures will not need to be applied to these trees.

- h. This protection must remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
- i. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, and only by the Project Arborist, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- j. Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.

- k. The Principal Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.
- l. A refundable deposit in the form of cash, credit card or cheque OR bank guarantee (with no expiry date) for an amount of **\$30,000.00** must be paid either by credit card over the phone or at the Customer Service Counter on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development** to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the 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 the 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 4.17 (6) of the Environmental Planning and Assessment Act 1979.

Protection of neighbouring trees

- 45. To also ensure retention of the *Jacaranda mimosifolia* (Jacaranda, T28) located wholly in the rear setback of the adjoining private property to the south, 1 Duke Street, on the common boundary, then another *Jacaranda* (T29) and a *Schinus areira* (Peppercorn Tree, T30) which are both located to the west, in the rear setback of no.3 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 their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers as taken from the Arborist Report to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as '*the Project Arborist*' for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, **Section 6**, 'Tree Protection Plan' and **Appendix IV**, 'Tree Protection Specifications' of the Arborist Report, along with any other verbal instructions issued on-site..
- c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a '*Final Compliance Report*' for the approval of the Principal Certifier, prior to any Occupation Certificate.
- d. All Construction Certificate plans must show that the footprint of the Basement Levels will be consistent with the set of architectural plans by BVN stamped received by Council 22/08/23, in terms of setbacks/offsets and the provision of deep soil measuring a width of between 2000-3000mm in this area of the site.
- e. Demolition/removal of existing surfacing and structures, as well as all initial excavations for footings and similar within their TPZ's must be performed under the direct supervision of the Project Arborist, with time stamped photos to be taken to demonstrate compliance, which must then form part of a '*Final Compliance Report*'.
- f. Existing perimeter/common boundary fencing in this area must be retained in-situ throughout works (if possible) as a form of protection/separation, with any new common boundary fencing within their TPZ's to only be a system which is supported on localised pads, not continuous strip footings, with details confirming compliance to be shown on the Construction Certificate plans.

- g. If existing common boundary fencing within their TPZ's needs to be removed, they must then be physically protected (as one group) by the installation of 1.8-metre-high steel mesh/chainwire fencing panels, to the extent shown at **Appendix III**, 'Tree Protection Plan' of the Arborist Report, so as to completely enclose them for the duration of works.
- h. This fencing must then remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- i. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, and only by the Project Arborist, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- j. Within the TPZ's there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- k. The Principal Certifier and Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Occupation Certificate.

Transport for NSW Conditions

Process of Endorsement of Conditions

46. 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

47. 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

48. 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

49. 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

50. 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

51. 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.

Outdoor Terraces, Balconies and External Windows

52. 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

53. 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

54. 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

55. 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; o 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.

56. 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.

57. 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.
58. Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant.
59. Sydney Light Rail site works access approval and access permit to work.

Detailed Site Contamination Investigation

60. A *Detailed Site Contamination Investigation* Report must be submitted to Council's Director of City Planning prior to issuing a Construction Certificate for the development or commencing demolition work (whichever the sooner). The detailed investigation must be undertaken by 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.

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*.

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*.

- f) 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.

- g) 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).
- h) 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*.

- i) 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.

- j) 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.

- k) 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.
- l) 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.
- m) 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.

Noise and Vibration Compliance

61. Noise and vibration from the development must comply with the following requirements and a report prepared by a qualified Acoustic Consultant must be submitted to and approved by Council's Director City Planning, prior to the issue of a Construction Certificate:

- 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 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).

Acoustic Reporting

62. Noise from the development must not cause an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and 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 (NPfI) and relevant noise conditions outlined in this consent.

A report prepared by a qualified Acoustic Consultant, must be submitted to and approved by Council, prior to the issue of a **Construction Certificate**, which provides details of compliance with the relevant noise criteria. Any recommendations and requirements included in the acoustic report or as may be specified by Council are to be included in the Construction Certificate accordingly.

The recommendations and requirements contained in the Acoustic Report (submitted in response to this condition and as approved by Council's Director City Planning) form part of the development consent and details of compliance shall be included in the Construction Certificate accordingly.

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 2021*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia & Relevant Standards

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

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

Disabled Access Provisions

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

BASIX Requirements

65. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 75 of the *Environmental Planning and Assessment Regulation 2021*, 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 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.

ESD Requirements

66. The required commitments listed and identified in the ESD performance criteria included in condition 1 must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

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

Mechanical Ventilation

67. The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.

Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

Traffic Conditions

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

Design Alignment Levels

70. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

Anzac Parade Frontage

- **Graded 2.5% from top of kerb opposite along the full site frontage.**

Boronia Street Frontage

- **To be provide in writing by the Development Engineer prior to the issuing of a construction certificate.**

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 and may require a formal amendment to the development consent via a Section 4.55 application.

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

71. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$6,654** calculated at **\$60.00** per metre of Anzac Parade site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Street Awnings

72. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
 - a) All new awnings shall be set back a minimum of 600mm from the face of kerb.

Stormwater Drainage & Flood Management

73. The proposed internal driveway shall be designed with a high point at least 150 mm above gutter level opposite. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
74. The ground floor level located along the Anzac Parade frontage shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF). 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 / watertight 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.

75. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.

- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
76. The written approval of Council is required to be obtained in relation to all drainage and infrastructure works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the *Roads Act 1993*. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a professional engineer is to be provided to Council upon completion of the works.
- Relevant Council Assessment and Inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.
77. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter in front of the subject site in Anzac Parade; or
 - ii. Directly into Transport for NSW's underground drainage system located in Anzac Parade via a new or existing kerb inlet pit ; or
 - iii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and the ground conditions preclude the use of an infiltration system, a pump-out system may be permitted to drain the portion of the site that cannot be

discharged by gravity to Council's street drainage system in front of the property.

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer in accordance with the conditions of this consent and Council's Private Stormwater Code.

- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S** at any one outlet, 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 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) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

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

- j) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area

- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- p) Any onsite detention/infiltration systems shall be located in areas to be in areas easily accessible.

Groundwater & Dewatering

78. As the proposed basement level will extend into the water table (or be affected by fluctuations of the water table), the following requirements apply:

- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

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

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

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

Groundwater management systems:

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

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

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

79. Should the proposed basement level extend into the water table then prior to the issue of a construction certificate, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

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

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from the Office of Water).
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
 - appropriate and in accordance with 'best practice' principles; and
 - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

Site stability, Excavation and Construction work

80. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed 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 adjoining properties.
 - 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) Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.
 - 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 appointed Certifier for the development prior to issue of a relevant construction certificate.

Operational Waste Management Plan

81. The submitted waste management plan has not been approved as part of this consent. An amended Operational Waste Management for the development is required to be submitted and approved by Council's Lead Specialist Strategic Waste in accordance with the following requirements;

A. Residential waste

- a. A detailed Localised Automated Waste Collection System (LAWCS) design by appropriately qualified LAWCS consultants and endorsed by the system supplier to the satisfaction of Council including but not limited to:
 - i. General garbage, recycling and FOGO to appropriately sized storage tanks based on the waste generation and collection frequency.
 - ii. Three waste chutes (garbage, recycling and FOGO) of appropriate location and diameter with provision for ventilation as required for each of the four buildings.
 - iii. Inlets, pipe network, storage tanks, outlet and Council mobile vacuum truck docking station.
 - iv. Any other equipment needed for the system to operate.
- b. Bulky waste
 - i. Appropriate space for temporary storage area separated from commercial waste and presentation point for collection.

B. Commercial waste:

- a. The commercial waste storage area is to be separated from residential waste storage area.
- b. Storage area design is to be based on the volume by the various waste streams expected from type of use & frequency of collection.
- c. Indicative Size and number of bins required & location of collection pathway.

d. Access and traffic arrangements including truck swept path.

82. 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.

83. 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

84. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

Undergrounding of Site Power

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

Amended Landscape Plans

86. The AMENDED Landscape Plans by Taylor Brammer Landscape Architects, dwg's LA00-LD02, dated 03/08/23 must be revised further to now comply with the following requirements:

- a. Be altered where necessary to be consistent with all aspects of the current set of architectural plans by BVN stamped received by Council 22 August 2023, including relocation of the vehicle crossing and basement ramp further to the south, to now be roughly centrally across the Boronia Street frontage, between T11-12;
- b. Deletion of the numerous small, indented gardens at Ground Level along the Anzac Parade frontage as the success of plant material will be limited here due to not being open to natural rainfall, and are not regarded as providing any meaningful contribution to streetscape appeal due to being recessed behind the building line;
- c. Details confirming provision of a lush, layered/tiered plant selection and arrangement to the 'Landscape Buffer' along the southern site boundary adjacent the Duke Street private properties, specifically to assist with future screening, privacy and environmental amenity of these neighbours;
- d. Any podium/balcony planters or similar garden areas that are not open to natural rainfall must be irrigated, with details to be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements;
- e. Soil depth within all podium planters cannot be reduced from what is currently shown on the set of Landscape Plans dated 03/08/23;
- f. Details of lighting, furniture (such as handrails, seating, bins or similar) or any other inclusions required to fully explain the scope of works within both the private 'Urban Forest', as well as for the publicly accessible 'Through Site Link'.

Landscape Plans

87. 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

AMENDED scheme submitted for the Construction Certificate complies with the requirements listed above, 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 2021* and to provide reasonable levels of public health, safety and environmental amenity.

Building Certification and Associated Requirements

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

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

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

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

Heritage Conservation

89. 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

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

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

Construction Site Management Plan

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

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

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

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

Sediment Control Plan

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

Demolition Work Plan

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

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

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

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

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m² of

bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.

Construction Noise & Vibration Management Plan

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

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

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

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

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

Temporary Site Fencing

95. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site prior to commencement of works and throughout demolition, excavation and construction works, in accordance with the SafeWork guidelines and the following requirements:

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

- e) Site access gates must open inwards and not onto Council land.

Notes:

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

Treatment of Site Fencing and Hoardings

96. Any site hoarding or fencing, including temporary, construction, perimeter or safety fencing, are to incorporate artwork or historic images of the local area to improve the visual amenity of the site during demolition and for the interim period until construction is completed on the site.
97. Details of artwork and/or historic images, and of the fencing/hoarding, are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of any works on site including demolition.

Public Liability

98. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

Interim site audit advice

99. An *Interim Audit Advice* statement must be obtained from the Site Auditor, which confirms the suitability and implementation of the remediation strategy prior to commencement of 'above-ground' building works, and as specified in the Site Auditor's Audit Schedule. A copy of the site remediation *Interim Audit Advice* statements must be submitted to the Council and the owner, building certifier and principal building contractor for the development.

Hazardous Materials

100. Hazardous 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.

Construction Traffic Management

101. Conditional upon the prior support of TfNSW an application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for any 'Works Zone' to be provided throughout 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.

102. 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.

103. 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. All conditions and requirements of the abovementioned agencies must be complied with at all times.

Civil Works - Public Utilities

104. 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

105. The applicant shall meet all costs associated with upgrading the Anzac Parade and Boronia Street site frontages in accordance with Council's Urban Design Elements Manual for the Kensington Commercial Centre, with all works to be in accordance with Council's requirements for Civil Works on Council property.

Separate, detailed Public Domain plans for the Anzac Parade frontage (and Boronia Street as

well if deemed appropriate by Council's Officers) must show proposed paving design or footpath and grass verge, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, street furniture, street trees, planting pits, tree guards, planter boxes, street signs, sub-stations and any other details required shall be submitted to, and be approved by, Council's Director of City Services prior to the commencement of any external streetscape works.

NOTE: Refer also to 'Street Tree Management' condition earlier in this report for specific requirements relating to species selection and location of all new street trees, with the Public Domain plans also needing to make allowance for tree squares/planting pits as part of the external works.

The applicant must liaise with Council's Landscape Architect on 9399-6922 prior to preparation of the streetscape plan to obtain any detailed, site specific landscape design requirements.

Following approval of the Public Domain Plans, but prior to commencement of any external civil works on Council property, the applicant must also liaise with Council's Engineering Technical Officer on 9399-6922 regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved Public Domain plans and works must then be completed to the satisfaction of Council's Coordinator Open Space Assets and Engineering Technical Officer, with confirmation of both their approval for this to be provided in writing, prior to any Occupation Certificate.

Demolition & Construction Waste

106. The Waste Management Plan submitted with the application has not been approved as part of this development consent. A new Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Lead Specialist Strategic Waste.

The Demolition and Construction Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites. Further Council requirements are specified in Section 3 Part B6 of the DCP.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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 2021* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections during Construction

107. 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 the *Environmental Planning & Assessment Regulation 2021*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Building & Demolition Work Requirements

108. 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

109. 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.

Transport for NSW Conditions

110. 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.

111. Construction vehicles shall not be stopped or parked on Anzac Parade at any time without prior approval of Transport for NSW.

Excavations, Back-filling & Retaining Walls

112. 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

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

Sediment & Erosion Control

114. 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

115. 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

116. 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:

- 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.
- 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.
- 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.
- 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*.
- The approved artwork/historic images are to remain on the fencing/hoarding throughout demolition works, and until such time as the construction works including the future development on site has been fully completed.
- Any graffiti on the hoarding/fencing shall be removed at the expense of and by the developer/owner.

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

117. 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 Access

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

Contaminated Land / Remediation

- 119. Remediation of the site must be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and the *Protection of the Environment Operations Act* and the conditions of this consent.

The remediation works must be monitored and validated by a suitable qualified environmental consultant, as detailed in the adopted Remediation Action Plan and conditions of consent.

Complaints management during the work/construction

- 120. The applicant is to engage the services of a suitably qualified person to respond to enquiries and complaints made by the community or Council in relation to the site and construction work.

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

Complaints Register

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

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

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

Building & Demolition Work Requirements

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

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

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

Site Signage

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

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

Noise & Vibration

124. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with a *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority guidelines for Construction Noise and Assessing Vibration.

Survey Requirements

125. 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

126. 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

127. 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).*

128. 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.

129. 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/Groundwater & Stormwater during Construction

130. 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.

131. 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.

Road/Asset Opening Permit

132. 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

- 133. 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

- 134. 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.
- 135. 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.
- 136. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

- 137. 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.

Tree Removal

- 138. Due to their direct conflict with all levels and aspects of the works, combined with their relative insignificance and an inability to reasonably re-design the whole proposal to accommodate them, approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the revised/approved Landscape Plans.
 - a. The group of **T18-25 & 31-42**, located centrally over the northern part of the site;
 - b. **T26-27** towards the southern site boundary, adjacent the common boundaries of 1 & 3 Duke Street.

Pruning of neighbours trees

- 139. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the northern aspect of **T28** which is located beyond the southern site boundary, within the rear setback of the adjoining private property at 1 Duke Street, as well as from the same area of **T29-30** that are to its west, wholly within the rear of 3 Duke Street, only where they overhang into this development site and need to be pruned to avoid damage to the trees; or; interference with the approved works, piling rig, scaffolding or similar.

140. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.
141. All pruning can only be either undertaken or directly supervised by the Project 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).

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 2021*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Kensington and Kingsford Town Centre Affordable Housing Contribution

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

- Dedication of 550m² of housing stock (being 6 dwellings and 5 ancillary car parking spaces, comprising of (2x) 1 bed, (3x) 2 Bed and (1x) 3 Bed apartments) (calculated in accordance with section 2.4 and 2.5 of the Affordable Housing Plan, being 3% of the total floor area of 18,333.6m²);
- Monetary contribution for any residual floor area (i.e. 7 sqm), 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 any Occupation Certificate.

The development is subject to an index bi-annually being the first days of January and July, with reference to the most recently published median strata dwelling price in the Randwick LGA, as detailed in the NSW Government Rent and Sales Report, Table: Sales Price - Greater Metropolitan Region – Strata. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

The formula for adjusting a contribution amount in a condition of consent is:

Monetary Contribution = Base Contribution Amount x (MDP2/ MDP1)

Where:

Base Contribution Amount is the amount obtained from the Notice of Determination and based on the monetary contribution amounts at the time of determination of the development application

MDP1 is the median strata dwelling price that applied at the time of consent.

MDP2 is the median strata dwelling price that applies at the time of payment.

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

143. 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.

Occupation Certificate Requirements

144. 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*.

Public Art Emplacements Design

145. The final design of the proposed art installations on the upper floor facade of the south elevation of the Anzac Parade building are to be submitted to and approved by Council's Director City Planning, in accordance with the Environmental Planning and Assessment Act 1979, prior to any occupation certificate being issued for the development.

Post-construction Dilapidation Assessment & Report

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

The dilapidation report shall detail whether:

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

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

Fire Safety Certificates

147. 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 2021*. 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

148. 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

149. 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.

BASIX Requirements & Certification

150. In accordance with the *Environmental Planning and Assessment (Development, Certification & Fire Safety) Regulation 2021*, 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.

Transport for NSW Conditions

Post - construction Dilapidation Report

151. 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

152. 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

153. The owner/developer must meet the full cost for a Council approved contractor to:

- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Boronia Street to Council's specifications and requirements.
 - b) Remove any redundant concrete vehicular crossings and laybacks in Boronia street and Anzac Parade and to reinstate the area with concrete footpath, and integral kerb and gutter to Council's specifications.
 - c) Re-construct kerb and gutter for the full site frontage in Boronia Street except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
 - d) Construct/reconstruct a full width footpath along the Anzac Parade site frontage, in accordance with Council's specifications and requirements for the Kensington Town Centre.
 - e) Any other works as specified in the VPA agreement.
154. 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.
155. 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

156. 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

157. The applicant shall prepare a lighting plan for the upgraded street frontages. The lighting plan shall be prepared in accordance with Council's specifications and requirements with all lighting to be installed and operational prior to the issuing of a full occupation certificate.

NOTE: Any private poles must be removed prior to the issuing of an occupation certificate.

Pedestrian link

158. Prior to the issuing of any Occupation Certificate the applicant must have created a suitable right of footway and easement for public access. The terms of the right of footway and easement for public access must be to Council's satisfaction. The applicant must consult with Council's Development Engineering Coordinator to obtain the terms for the easement. The right of footway and easement for public access must benefit Council and Council must be named as the authority with the power to release, vary or modify the terms of the right of footway and easement for public access.

Survey Infrastructure – Restoration

159. Where a Surveyor-General's Approval for Survey Mark Removal has been granted by NSW Spatial Services, documentary evidence of restoration of the removed survey mark must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council prior to the issue of an occupation certificate.

The documentary evidence is to consist of a letter Signed by a Registered Land Surveyor confirming that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal under condition "Survey Infrastructure – Identification and Recovery" have been complied with.

Stormwater Drainage

160. 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.
161. 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).

Hydraulic Certification

162. 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.

Waterproofing/Tanking Certification

163. Should the proposed basement level extend into the water table (or be affected by fluctuations of the water table), 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 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

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

Landscape Plan Certification

165. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the AMENDED Landscape Plans by Taylor Brammer Landscape Architects, dwg LA00-LD02, dated 03/08/23, and any relevant conditions of consent.
166. Suitable strategies must then be implemented to ensure that all landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Project Arborist Certification

167. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification (including time stamped photos) which confirms compliance with the conditions of consent, as well as **Section 6**, 'Tree Protection Plan' and **Appendix IV**, 'Tree Protection Specifications' of the Arborist Report; the dates of attendance and works performed/supervised relating to retention of the street trees, **T1-7, 12-15, 17** and the private/neighbouring trees, **T28-30**.

Public Domain Certification

168. Prior to any Occupation Certificate, written confirmation must firstly be obtained from both of Council's Landscape Architect and Engineering Technical Officer stating that all aspects of the approved Public Domain works have been completed to Council's satisfaction, and in accordance with any approved plans and relevant conditions of consent.
169. The nature-strip upon Council's Duke and Boronia Street footways shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

Localised Automated Waste Collection System certification

170. Prior to occupation of the development the Localised Automated Waste Collection System (LAWCS) is to be fully installed, tested and certified "Ready for operation" by the system installer. Council's Waste Services Division is then to be contacted for site inspection and to make the necessary arrangements for the commencement of waste services to the premises.
171. The waste storage areas shall be clearly signposted.

ESD Certification

172. Prior to the issue of an Occupation Certificate, certification by a suitably qualified professional is to be provided to the Principal Certifier that the as-built development achieves a minimum Green Star Certification rating of 5 star or equivalent.

Relevant documentary evidence of compliance with the ESD performance criteria included in condition 1 is to be forwarded to the *Principal Certifier* and Council upon issuing an Occupation Certificate.

Use of the Development and Plant / equipment

173. 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.

Site Audit Statement

174. Upon completion of the site remediation work and prior to this issue of an Occupation Certificate, a final Site Audit Statement and Summary Site Audit Report must be submitted to Council, the owner and Principal Certifier for the development, in accordance with the conditions of this consent.

Asbestos / Hazardous materials

175. A report or statement must be provided to Council which confirms that any hazardous materials (including materials containing asbestos) on the site have been managed, removed and disposed of in accordance with relevant requirements of SafeWork NSW and conditions of development consent.

Street and/or Sub-Address Numbering

176. 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.

EV Parking Facility Certification

177. Prior to the issue of any Occupation Certificate, the below shall be certified as being implemented within the completed development.
- Written certification must be submitted to the Principal Certifier confirming that electric vehicle (EV) charging systems, including all associated electrical and control systems, shall be tested, and inspected by a suitably qualified and experienced person. The certificate shall be provided certifying the installation and operation of the EV charging systems.

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 2021*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of Commercial/Retail Premises

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

Stormwater Detention/Infiltration System

179. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

Residential Parking Permits

180. All prospective tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
181. 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

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

Fire Safety Statements

183. 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 2021*.

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

184. External lighting and signage to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
185. 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*.
186. 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*.
187. 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.
188. 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*.

Land Contamination – EMP Compliance with EMP

189. The requirements contained in any 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.

Occupation Certificate

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

No outdoor speakers / music

191. Speakers and/or noise amplification equipment must not be installed or played in any communal outdoor areas or directed towards outdoor areas.

Substantiated Noise complaints

192. 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.

If “offensive noise” complaints are substantiated by an authorised officer under *the Protection of the Environment Operations Act, 1997* an acoustic report must be submitted and approved by the Planning Manager of Randwick City Council. The submitted acoustic report must be prepared by a suitably qualified acoustic consultant and include appropriate noise mitigation measure that will be required to allow the premises to cease causing “offensive noise” during their permitted use.

NOTE: A Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member.

Emissions

193. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2021*.

Uses that produce airborne particulate matter must incorporate an effective dust collection system.

Delivery vehicles

194. Deliveries associated with the site that involve the movement of heavy vehicles, must only occur between the hours of:
- 8.00am and 8.00pm on any Saturday, Sunday or public holiday, or
 - 7.00am and 8.00pm on any other day.

The loading dock steel roller door must remain closed at all times excluding truck ingress/egress.

Waste Management

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

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

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

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

Mechanical filtration maintenance

196. All installed mechanical ventilation filtration equipment must be maintained as per the manufacturers requirements to ensure ongoing operational efficiency for the removal of air impurities.

Maintenance records must be maintained onsite and be available for inspection upon request of an authorised Council Officer.

Air Condition – Acoustic Compliance

197. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.