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| DA No: | DA/477/2022 |
| Property: | 277-291 Anzac Parade, Kingsford |
| Proposal: | Partial demolition of existing structure and construction of a Part 3 and Part 18 storey mixed use development over 1 level of basement comprising retail, commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height). |

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 Iglu No. 215 Pty Ltd to Randwick City Council dated 13 July 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.
- A3 Amended plans must be submitted to the satisfaction of Council's Manager Development Assessment to address the following 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 :
- The deletion of the loading dock turntable to provide unobstructed access to onsite parking.
 - The reduction of the loading dock entrance width to a standard double vehicular crossover and the incorporation of a designated loading zone space that does not conflict with onsite parking access and can accommodate the swept paths of an 8.5m MRV.
 - The conversion of one (1) car stacker system (annotated on DWG A03.100a as stacker No. 7,8) to provide for one (1) disabled parking space with an adjoining 2.4m shared zone.
 - The conversion of one (1) car stacker system (annotated on DWG A03.100a as stacker No. 1,2) to provide for a motorcycle lift access core from the ground level loading zone to basement level 01.
 - The reconfiguration of the loading dock and service areas to provide for one (1) additional car stacker system that increases the total onsite parking provision to a minimum of 13 car spaces.
 - The provision of an accessible parking area to accommodate 57 motorcycle spaces through the reconfiguration and extension of basement level 01.
 - The illustration of the automated waste management system vehicular loading point and the associated waste transfer pipework.

Period within which evidence must be produced

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

Clause 95(4) of the Regulation:

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

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

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

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

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

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

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

Development Consent Conditions

GENERAL CONDITIONS

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

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 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 |
|--|-----------------|----------------|----------------------------|
| A01.001 (Site and existing site plan), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A01.100 (Site and Existing demolition plan and elevations), Revision A | Bates Smart | 02 August 2022 | 1 June 2023 |
| A03.001a (Basement 01- automated waste management system), Revision E | Bates Smart | 29 May 2023 | 1 June 2023 |
| A03.100a (Level 00), Revision F | Bates Smart | 29 May 2023 | 1 June 2023 |
| A03.101 (Level 01), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A03.102 (Level 02), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A03.103 (Level 03), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A03.104 (Level 04-17), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A03.188 (Roof terrace), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A03.119 (Roof plan), Revision D | Bates Smart | 30 May 2023 | 1 June 2023 |
| A09.001 (East elevation), Revision C | Bates Smart | 30 May 2023 | 1 June 2023 |
| A09.002 (South elevation), Revision C | Bates Smart | 30 May 2023 | 1 June 2023 |
| A09.003 (West elevation), Revision C | Bates Smart | 30 May 2023 | 1 June 2023 |
| A09.004 (North elevation), Revision C | Bates Smart | 30 May 2023 | 1 June 2023 |
| A10.110 (Section A), Revision C | Bates Smart | 05 May 2023 | 1 June 2023 |
| A10.111 (Section B), Revision B | Bates Smart | 20 March 2023 | 1 June 2023 |
| A15.100 (Room types 1), Revision A | Bates Smart | 02 August 2022 | 1 June 2023 |

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|---|-------------|----------------|---------------|
| A15.101 (Room Types 2), Revision A | Bates Smart | 02 August 2022 | 1 June 2023 |
| A15.102 (Room Types 3), Revision A | Bates Smart | 02 August 2022 | 1 June 2023 |
| L-400 to 408 (Landscape Package), Issue C | Arcadia | 23 March | 22 March 2023 |

| Document reference | Dated | Received by Council |
|---|----------------|----------------------------|
| Green Star Buildings V1 (Iglu Kingsford) – Revision 2.0 | 10 August 2022 | 23 September 2022 |
| NABERS Energy Estimation and Zero Emissions Report – Revision 1.0 | 10 August 2022 | 23 September 2022 |
| NCC 2019 Amendment 1 Section J Assessment & NCC Section J – JV3 Assessment Report | 09 August 2022 | 23 September 2022 |

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A minimum of one (1) electrical vehicle charging point is to be provided per five (5) parking space in accordance with section 22 (Sustainability) of Part C of Kensington and Kingsford Development Control Plan 2020 Part E6.

Details of compliance with the above conditions are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of 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 277 - 291 Anzac Parade Kingsford NSW 2032.
4. Contributions paid to Council pursuant to the Voluntary Planning Agreement executed in accordance with Condition A1 are to be taken into consideration in determining the development contributions payable pursuant to this condition of this consent.

Site Consolidation

5. The applicant/owner shall prepare and register a 'Plan of Consolidation' that consolidates all current lots within the subject development site into 1 lot. The applicant/developer shall meet all costs associated with the registration of the 'Plan of Consolidation' and evidence of registration shall be provided to the satisfaction of the Principal Certifier.

Transport for NSW Conditions

6. 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.
7. 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.
8. 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.

9. The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. It is likely in the first two (2) years there will not be a light rail shutdown for maintenance purposes. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.
10. 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.
11. 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.
12. All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

Ausgrid Conditions

13. The development must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
14. 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

15. The following requirements of Sydney Airport letter, dated 21 October 2022 are to be adhered to:
 - (a) The building must not exceed a maximum height of 87.95 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
 - (b) The building must be obstacle lit by low intensity steady red lighting during the hours of darkness and periods of low visibility at the highest point. Obstacle lights are to be arranged as per section 9.31 of the Civil Aviation Safety Regulations 1998 — Part 139 (Aerodromes) Manual of Standards (the MOS). Characteristics for low intensity steady red are stated in subsection 9.32 of MOS.
 - (c) The Proponent must advise the Airport at least two business days prior to the constructed height of the building reaching 51 metres AHD. From this date, the Proponent must ensure the obstacle lighting has remote monitoring capability. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to section 9.36 of the MOS. In addition, the following lighting conditions must be met at all times:
 - The proposed obstacle lighting system must incorporate an alarm system that will provide remote monitoring to notify the designated person responsible for the maintenance of the obstacle lighting.
 - The designated person must be available 24 hours per day, 7 days per week.
 - In the event of the obstacle lighting being inoperable, the designated person must immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 02 9667 9824 to advise of the outage.
 - Action must be taken to repair the obstacle lighting within 12 hours of the light not being operational.
 - The contact details of the person responsible for the monitoring of the obstacle lighting must be sent to Sydney Airport prior to commencement of the obstacle lighting becoming operational and must be kept up to date.
 - Once the obstacle lighting is working again, the person responsible for the maintenance of the obstacle lighting must notify the Sydney Airport Airfield Operations Supervisor.

- (d) The Proponent must ensure obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.
- (e) 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.
- (f) The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-677.
- (g) Following completion of the building, the Proponent must advise SACL, in writing:
 - that the future owner(s)/manager(s) of the building have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval; and
 - the contact details of the person/position responsible for the maintenance of the obstacle lighting. These details must be reviewed regularly and kept up to date.
- (h) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.
- (i) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

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

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

External Colours, Materials & Finishes

- 17. 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

- 18. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$52,690,000.00 the following applicable monetary levy must be paid to Council: \$1,317,250.00.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Kensington and Kingsford Town Centre Community Infrastructure Contributions

19. 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 Iglu No. 215 Pty Ltd to Randwick City Council dated 13 July 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 a construction certificate being issued for the proposed development.

Works in Kind

20. 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.

Kensington and Kingsford Town Centre Affordable Housing Contribution

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

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

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

Long Service Levy Payments

22. 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

23. 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

24. 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

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

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

The Sydney Water [Tap in™](#) online service replaces the Quick Check Agents as of 30 November 2015

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information

- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

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

<https://www.sydneypwater.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

26. 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:

- 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;
- 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

27. 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 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.
- 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.
- 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](#).

Street Tree Management

28. The applicant must submit a payment of **\$9,673.40** (GST inclusive) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of the small *Magnolia 'Little Gem'* (**Tree 1** in the Arboricultural Impact Assessment by Redgum Horticultural Consultants, ref 7591, dated 18/08/22, *'the Arborist Report'*) from Council's Anzac Parade footpath to allow for a replacement tree to align with the new front entry and feature landscaping;
- b. For Council to also remove, stump-grind and dispose of the row of four *Platanus x hybrida* (Plane Trees, **T2-3 & 5-6**) from Council's Strachan Street verge, as none could remain due to their direct conflict with the new overhead awning, under-grounding of power and requirement for a B-Class Hoarding that would occupy/be undertaken along the length of this same frontage;

NOTE: The ability and suitability of replacement street trees to be provided along either frontage will need to be determined during preparation of the Public Domain Plans given the extent of the overhead awning that is also being provided above these same areas.

- c. A loss of amenity fee in recognition that the only reason these established trees are being removed from public property is to accommodate the development of private property, with this part of the fee to be used towards additional public plantings elsewhere in the street and surrounding area.

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

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) AND GIVING UP TO SIX WEEKS NOTICE to arrange for their removal prior to commencement.

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 9093-6843.

Street/Tree Protection Measures

29. To ensure retention of the two remaining *Platanus x hybrida* (Plane Trees) which are located in existing garden beds out in the Strachan Street road reserve, being **T4** halfway along the length of this frontage, then **T7** adjacent Houston Lane 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 in relation to the site and new works.
- b. Prior to the commencement of any site works, their trunks (and any lower growing branches) must be physically protected by wrapping layers of geo-textile, 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.
- c. This protection shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
- d. **The applicant is not authorised to perform any other works to these two public trees and must contact Council's Landscape Development Officer on 9093-6613 should clearance pruning or similar be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, GIVING UP TO SIX WEEKS NOTICE, with payment to be received prior to pruning or any Occupation Certificate.**

- e. The Principal Certifier 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.
- f. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$6,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development** 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 80A (6) of the Environmental Planning and Assessment Act 1979.

Transport for NSW Conditions

Process of Endorsement of Conditions

30. 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

31. 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

32. 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

33. 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

34. 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

35. Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

Balconies and Windows

36. 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

37. Prior to the issue of the relevant Construction Certificate, if required by TfNSW, 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

38. 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

39. 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:
 - o Pre and post construction dilapidation reports;
 - o The need for track possessions;
 - o Review of the machinery to be used during excavation/ground penetration / construction works;
 - o The need for track monitoring;
 - o Design and installation of lights, signs and reflective material;
 - o Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - o Endorsement of plans regarding proposed craneage and other aerial operations;
 - o Erection of scaffolding/hoarding;
 - o Light Rail Operator's rules and procedures; and
 - o Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

Construction Pedestrian and Traffic Management

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

- Update the Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and the Sydney Light Rail Operator. The CPTMP needs to specify matters including, but not limited to, the following:
 - o A description of the development;
 - o Location of any proposed work zone(s), noting that Anzac Parade is not a suitable location;
 - o Details of crane arrangements including location of any crane(s) and crane movement plan if there will be cranes on the light rail side of the building;
 - o Haulage routes;
 - o Construction vehicle access arrangements including vehicle access/crane access and in or around the light rail;
 - o Proposed construction hours;

- Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- Construction program and construction methodology/crane installation methodology;
- A detailed plan of any proposed hoarding and/or scaffolding, including adequate clearance for pedestrian movement alongside light rail vehicles;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and the Sydney Light Rail Operator;
- Any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of projects within Kingsford Precinct. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- Submit a copy of the final plan to development.sco@transport.nsw.gov.au for TfNSW endorsement; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (development.sco@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Land Contamination

41. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013) and the following requirements must be complied with:

- a) The remediation works shall 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 1997*.
- b) 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.
- c) 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.
- d) A site remediation *Audit Schedule* shall be developed by the appointed Site Auditor 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 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.

- e) 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.

- f) 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).
- g) 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*.

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

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- 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.

- i) 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.

- j) 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.

- k) 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.
- l) 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.

Acoustic Reporting

42. 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. (Please refer to Advisory Notes).

Compliance with Acoustic Report

43. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Ruben Ghannoum of Acoustic Logic Pty Ltd, Dated: 30 January 2023, Ref: 20211618.1/3001B/R3/RG, Titled: 277-291 Anzac Parade Kingsford DA Acoustic Assessment, Council Ref: D04895739 must be implemented in the development prior to the commencement of its use.

Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant*. This work will be to the satisfaction of the accredited certifier.

All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times. All external windows and doors are required to be fitted with Q-Ion type acoustic seals; mohair seals are not acceptable.

In the event of any inconsistency, the conditions of this consent will prevail over the acoustic report.

Note: *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 firm.

Mechanical plant noise criteria

44. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [*Noise Policy for Industry 2017 \(NPfI\)*](#). The stricter of the amenity/intrusiveness criteria becomes the prevailing noise criteria for the development. Further:

- (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (a) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (b) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Mixed-use development internal noise levels

45. 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 $L_{Aeq} (1 \text{ hour})$ 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).

Where permitted, in mechanically ventilated spaces – the repeatable maximum $L_{Aeq} (1 \text{ hour})$ 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).

Noise criteria for Entertainment noise

46. The proposed development is to incorporate noise control measures to ensure the standard L_{A10} Condition imposed by Liquor & Gaming NSW is satisfied inside those occupied spaces with doors and windows closed and any alternative ventilation system is operating as follows:

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to

internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight.

Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.

- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

NOTE: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by Council's Planning Manager.

Parking Allocation

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

Parking for the development must be provided as follows:

- Total of 13 spaces;
- Six (6) spaces must be allocated to the proposed commercial premises; and
- Seven (7) spaces must be allocated to the proposed retail premises including one (1) disabled parking space.

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

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

Heritage Conservation

48. A built heritage specialist is to develop a schedule of conservation works that identifies the works required to remedy issues identified, as well guide repairs, restoration, or reconstruction. This schedule should also include temporary protection measures, salvage methodology and requirements for monitoring by the built heritage specialist. The schedule of conservation works should be prepared in accordance with the Heritage NSW Maintenance Series.
49. That such a specialist also develops a Maintenance Plan for regular and cyclical maintenance of the historical components and/or renewed presentation of the historical building (fenestration, plasterwork, awnings, masonry work and so forth) to be implemented on completion of the project

50. That a Photographic Archival Recording is to be undertaken before the commencement of works, and then upon completion for all areas impacted by the works in accordance with the Heritage NSW guidelines Photographic recording of Heritage Items.
51. A built heritage specialist is to develop a heritage interpretation plan for the proposed development in accordance with the Heritage NSW publications, Interpreting Heritage Places and Items (2005) and Heritage Interpretation Policy (2005).
52. A desktop archaeological assessment must be undertaken to assess the potential for historical archaeology, either below ground or in above ground cavity spaces. Advice of an appropriately qualified archaeologist should be sought in the preparation of this assessment, subject to the satisfaction of the principal certifier.

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

53. 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 Building Code of Australia (BCA).
54. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.

ESD Requirements

55. 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.

Air Quality

56. The recommendations outlined in section 7 of the submitted Air Quality Report prepared by: Arup Australia Pty Ltd, Dated: 20 March 2023, Titled: Iglu Pty Ltd 277-291 Anzac Parade, Kingsford – Mixed Use development Air Quality Report, Ref: 293920 Revision 3, Council Ref: D04895741 must be included in the construction certificate documentation, including but not limited to:-
 - Provision of a mechanical ventilation system with adequate filtration system for the individual residential studios and commercial areas.
 - Installation of a dust filtration system at mechanical ventilation intakes with high-grade dust filters (MERV 10 or greater).
 - The installed filtration system must be maintained in line with the manufacturer requirements to ensure ongoing efficiency of the filters.
 - The location of air intakes for the mechanical ventilation system, where possible, should be located away from Anzac Parade or at elevated locations on the facade adjacent to Anzac Parade.

The final mechanical ventilation design must be reviewed and approved by a suitably qualified Air Quality Consultant.

Mechanical Ventilation

57. 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

58. 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.
59. The design alignment level (the finished level of concrete, paving or the like) at the property boundaries for driveways, access ramps and pathways or the like, shall be:
- **To be obtained in writing from Council's Development Engineering Section following consideration of Civil Design plans and Transport NSW requirements (taking into account Conditions 10-26 and other relevant TfNSW conditions contained within the consent).**

The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6924.

60. The above alignment levels and the site inspection by Council's Development Engineering Section will be issued at a prescribed fee of \$2316 calculated at **\$60.00** per metre of Anzac Parade frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Stormwater Drainage & Flood Management

61. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Principal Certifier prior to a construction certificate 2 being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate 2 being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:

- i. Roof areas

- ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels and the details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
62. The site stormwater drainage system is to be provided in accordance with the following requirements:
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Principal Certifier* and details are to be included in the construction certificate 2.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or underground drainage system in front of the subject site in Anzac Parade or Strachan Street
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
 - c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.
- An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.
- d) Should stormwater be discharged to an infiltration system the following requirements must be met;
 - i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
 - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.

- iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
 - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- i) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

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

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

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

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

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

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

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

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

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

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

Site stability, Excavation and Construction work

64. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifier for the development:-

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.

- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifier*.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifier*.

Waste Management

Provision for Localised Automated Waste Collection System (LAWCS)

65. Plans submitted for the Construction Certificate shall be amended to make further provision for the installation of a Localised Automated Waste Collection System (LAWCS) including but not be limited to;

- Provision for pipework from waste tanks to the connection point on Houston Lane
- Details of connection point on Houston Lane for the LAWCS collection vehicle
- Parking bay/shared zone for Council Waste Collection vehicle. All travel paths encroaching onto the subject site are to be designed to accommodate a maximum loading of 40 tonnes.

Detail system design by appropriately qualified LAWCS consultant and endorsed by the system supplier to the satisfaction of Council shall be submitted to the Principal Certifier.

Operational Waste Management Plan

66. An Operational Waste Management for the development is required to be submitted and approved by Council's Coordinator of Strategic waste in accordance with the following requirements;

- A. Full Implementation of the Localised Automated Waste Collection System (LAWCS) for the boarding house component upon issuing of a full occupation certificate.
- B. Bin Collection for the retail component either by Private Contractor or Council's Commercial Waste Collection Service.
- C. The Operational Waste Management Plan must also include the following details (as applicable):
 - The use of the premises and the number and size of occupancies.
 - The type and quantity of waste to be generated by the development..
 - Access and traffic arrangements.
 - The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

67. The waste tank areas and commercial 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.

68. The commercial garbage area must be separated from the residential bin storage areas.

Public Utilities

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

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

Landscape Plans

70. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Landscape Plans by Arcadia, dwg's 000-700, rev C, stamped received by Council 22/03/23 (and must also be amended if/where necessary to be consistent with the most current set of architectural plans), 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.

Certification and Building Inspection Requirements

71. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifier* must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work and any applicable requirements of the *Home Building Act 1989* must be satisfied accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifier*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Heritage Conservation

72. 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

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

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

Construction Site Management Plan

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

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

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

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

Demolition Work Plan

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

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

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

Construction Noise & Vibration Management Plan

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

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the*

Environment Operations Act 1997, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the *Principal Certifier*.

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

Treatment of Site Fencing and Hoardings

- 77. 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.
- 78. 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

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

Site Remediation

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

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

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

Interim site audit advice

- 81. 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

82. 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

83. 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.

84. 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.

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

Civil Works - Public Utilities

86. 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

87. The applicant must meet all costs associated with upgrading the Anzac Parade and Strachan Street site frontages in accordance with Council's Urban Design Elements Manual for the Kingsford/Kensington Commercial Centre, with all works carried out on Council property to be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for both the Anzac Parade and Strachan Street frontages showing proposed paving design, street furniture, planting, drainage, grades, finished levels, doors/entranceways, **extent and location of awnings and resulting ability for new street trees**, planting pits, street signs, sub-stations and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.

Although Council has prepared suburb-wide preliminary designs for the upgrading of all footpath areas in the Kingsford/Kensington Commercial Centre, the applicant must still contact Council's **Landscape Architect on 9093-6577**, prior to preparation of the Public Domain Plans to obtain more detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall also liaise with Council's **Engineering Technical Officer on 9093-6988**, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The Public Domain works must be completed in accordance with the approved plans, and to the satisfaction of Council's Landscape Architect and Engineering Technical Officer, with confirmation of approval to be provided in writing, prior to any Occupation Certificate.

Demolition & Construction Waste

88. A 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

89. 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

90. 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

91. 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

92. 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.

93. 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

94. 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

95. 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

96. 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

97. 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

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

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

- e) 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.
- f) 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

99. 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.

Contaminated Land / Remediation

100. 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

101. 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.

Building & Demolition Work Requirements

102. 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

103. 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

104. 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.

Survey Requirements

105. 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

106. 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

107. 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).*

108. 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.

109. 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

110. 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.

111. 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

112. 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

113. 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

114. 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.
115. 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.
116. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

117. 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

118. Approval is granted for the removal of all vegetation within this development site to accommodate the works as shown, subject to full implementation of the adopted Landscape Plans.

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.

Occupation Certificate Requirements

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

Fire Safety Certificates

120. 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

121. 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

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

The report is required to:

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

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

In the case of a report provided in accordance with b) above, the necessary works identified in the report must be carried out and a further report or certificate must be provided to the Council and the Principal Certifier which confirms that the necessary work has been carried out and the subject awning complies with the requirements set out in BP 1.1 and BP 1.2 of Volume 1 of the BCA, prior to the issuing of an Occupation Certificate or commencement of the use of the land (whichever is sooner) or other timeframe approved by Council in writing.

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

Transport for NSW Conditions

Post - construction Dilapidation Report

123. 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

124. 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.

Green Travel Plan

125. The applicant shall update the Green Travel Plan to include a Travel Access Guide (TAG). The TAG shall include the following:
- Information about cycling, walking and public transport initiatives to encourage the use of sustainable transport journeys by staff and students.
 - Promotion of end of trip (EoT) facilities, including any new cycling infrastructure available, and update number and location of bicycle.
 - Information on car share, and bicycle share.
 - For further helpful information – please check 'How to Create a Travel Access Guide'.

The applicant shall submit a copy of the updated Green Travel Plan for the endorsement of Transport for NSW, prior to the issue of the Occupation Certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

126. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete industrial vehicular crossing and layback at kerb opposite the vehicular entrance to the premises.

- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Remove the existing concrete footpath / landscape areas and construct a new full width footpath (with suitable replacement landscaping incorporated) along the Anzac Parade and Strachan site frontage, in accordance with approved Civil plans and Council's specifications and requirements. Note: the footpath works shall be generally in accordance Council's Urban Design Elements Manual for the Kingsford Commercial Centre.
 - d) Remove the existing kerb and gutter along the Anzac Parade and Strachan Street site frontage and construct new kerb and gutter with associated roadworks in accordance with approved Civil plans and Council's specifications and requirements. Note: the footpath works shall be generally in accordance Council's Urban Design Elements Manual for the Kingsford Commercial Centre.
127. 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.
128. 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

129. 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***.

Carlift and Crastackers

130. The proposed carlift/carstacker system shall be fully installed and operational prior to the issuing of a full occupation certificate

Survey Infrastructure – Restoration

131. 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

132. 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.
133. 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).
134. 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.
135. The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.

Green Infrastructure

136. 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 Certification

137. 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 Landscape Plans by Arcadia, dwg's 000-700, rev C, stamped received by Council 22/03/23, and any relevant conditions of consent.
138. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Documentation must also be submitted to, and be approved by, the Principal Certifier, which details that a regular maintenance regime will be applied to ensure that all common area planting and other items, including furniture and similar, will be maintained to a high-standard, including the replacement of failed stock, items and similar, so that the concepts and images presented in this application are fully delivered on-site, for the life of the development.

Certification of Public Domain Works

139. Prior to any Occupation Certificate, both Council's Landscape Architect (9093-6577) and Engineering Technical Officer (9093-6988) must firstly provide their specific written approval confirming that all aspects of the Public Domain works along both frontages have been completed to their satisfaction, in accordance with the relevant conditions of consent and approved plans.

Waste Management

140. Prior to the issuing of a full occupation certificate the Localised Automated Waste Collection System (LAWCS) is to be fully installed and certified "Ready for operation" by the system installer and Council's City Services department is to be contacted, to make the necessary arrangements for the commencement of waste services to the premises.

ESD Certification

141. 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.

Commercial / Industrial – Use of the Development and Plant / equipment

142. 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

143. 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

144. 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.

Noise Control Requirements & Certification

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

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

Street and/or Sub-Address Numbering

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

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

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

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of Commercial/Retail Premises

147. 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

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

Parking Permits

149. All prospective tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
150. 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.

CarLifts/Carstackers

151. Any approved car lift/ car stackers must be kept in continual operation for the life of the development.

Use of parking spaces

152. 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.

Stormwater Detention / Infiltration System

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

Fire Safety Statements

154. 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

155. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
156. 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*.
157. 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*.
158. 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.
159. 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

160. 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

161. 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

162. 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

163. 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

164. 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

165. Deliveries associated with the site that involve the movement of 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

166. 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.

Plan of Management

167. The use must always be operated / managed in accordance with the Operational Plan of Management prepared by Iglu Pty Limited, Dated: 01 June 2023, Titled: Iglu Student Accommodation Operation Plan of Management Iglu Kingsford 277-291 Anzac Parade, Kingsford, Council Ref: D04965238. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Rooftop Cinema operation

168. The Rooftop cinema is permitted to Operate from 9.00am to 10.00pm 7 days per week.

The cinema is to be used as a silent cinema with headphones provided to patrons, no speakers are permitted to be installed in the rooftop cinema area.

The maximum number of persons permitted in the rooftop cinema area is 50 persons at any time.

The capacity must not exceed the maximum numbers at any given time. The owner/occupier is responsible for ensuring the number of persons in the premises does not exceed that specified above.

Maximum capacity communal areas

169. The maximum number of persons permitted in the L1 and L2 outdoor communal areas at any one time is:

- 100 persons between the hours of 9.00am and 6.00pm, with 65 persons on L1 and 35 persons on L2; and
- 60 persons between the hours of 6.00pm and 10.00pm, with 35 persons on L1 and 25 persons on L2.

The maximum number of persons permitted in the indoor communal area is 40 persons at any time.

The capacity for each area must not exceed the maximum numbers at any given time. The owner/occupier is responsible for ensuring the number of persons in the premises does not exceed that specified above.

Mechanical filtration maintenance

170. 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.