



**Land and Environment  
Court**  
of New South Wales

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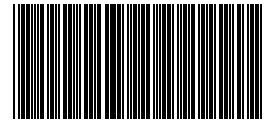
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Your Ref:



D0001FPSOL

29 June 2021

### NOTICE OF ORDERS MADE

Case number	2020/00288435
Case title	PERPETUAL CORPORATE TRUST LIMITED v Randwick City Council

On 29 June 2021 the following orders (and/or directions) were made:

The Court orders that:

- (1) The Applicant is granted leave to amend Development Application No DA/288/2020 and rely upon the following amended plans and documents contained at Annexure 'B';
- (2) The Applicant is to pay the Respondent's costs thrown away as agreed or assessed pursuant to s.8.15(3) of the Environmental Planning and Assessment Act 1979;
- (3) The Applicant's written request to vary the height of building standard in Clause 6.17 and floor space ratio standard in Clause 6.17 of the Randwick Local Environmental Plan 2012, prepared by Willowtree Planning dated March 2021 is upheld;
- (4) The appeal is upheld.
- (5) Development application no. DA/288/2020, as amended, for the construction of a mixed use development comprising a 308 room boarding house and commercial premises and associated parking at 182,186-188 and 190 Anzac Parade and 157 Todman Avenue, Kensington, is approved subject to the conditions contained at Annexure 'A'.

For the Registrar

**Perpetual Trustee Company Limited**  
**v**  
**Randwick City Council – 2020/288435 (Scape Kensington)**  
**182-190 Anzac Parade & 157 Todman Ave, Kensington (DA/288/2020)**

**Annexure B**

**SCHEDULE OF AMENDED PLANS AND DOCUMENTS**

<b>TAB</b>	<b>DOCUMENT</b>	<b>DATE</b>
<b>DOCUMENTS REFERRED TO IN CONDITIONS OF CONSENT</b>		
1.	VPA Letter from Scape Group Australia to Randwick City Council	17 March 2021
2.	Architectural Plans (up to Rev F) prepared by Plus Architecture, including Plan Nos: <ul style="list-style-type: none"> <li>- SK001 F</li> <li>- SK099 F</li> <li>- SK100 F</li> <li>- SK101 E</li> <li>- SK102 E</li> <li>- SK103 E</li> <li>- SK104 E</li> <li>- SK105 E</li> <li>- SK109 D</li> <li>- SK110 E</li> <li>- SK118 E</li> <li>- SK119 E</li> <li>- SK200 F</li> <li>- SK201 F</li> <li>- SK202 F</li> <li>- SK203 F</li> <li>- SK220 F</li> <li>- SK221 E</li> <li>- SK600 D</li> <li>- SK601 D</li> <li>- SK602 D</li> <li>- SK603 D</li> <li>- SK605 D</li> <li>- SK610 D</li> <li>- SK611 D</li> <li>- SK612 D</li> <li>- SK613 D</li> <li>- SK615 D</li> <li>- SK620 D</li> </ul>	19 April 2021
3.	Landscape Plans (Rev 1) prepared by Landform Studios, including Plan Nos: <ul style="list-style-type: none"> <li>- LD-S34-000</li> </ul>	19 March 2021

	<ul style="list-style-type: none"> <li>- LD-S34-001</li> <li>- LD-S34-100</li> <li>- LD-S34-101</li> <li>- LD-S34-110</li> <li>- LD-S34-120</li> <li>- LD-S34-130</li> <li>- LD-S34-140</li> <li>- LD-S34-150</li> <li>- LD-S34-300</li> <li>- LD-S34-301</li> <li>- LD-S34-900</li> </ul>	
4.	BASIX Certificate 1111436M_03	5 May 2021
<b>APPLICANT'S FINAL S.34 PACKAGE</b>		
5.	Schedule of Amendments (up to Rev F)	19 April 2021
6.	Clause 4.6 Variation Request prepared by Willow Tree Planning	March 2021
7.	Planning Statement prepared by Willow Tree Planning	20 April 2021
<b>ADDITIONAL MATERIAL</b>		
8.	Randwick Council Costs Report Form	21 April 2021
9.	DA Costs Estimate prepared by Rider Levett Bucknall	21 April 2021
10.	Site Suitability Statement prepared by JK Environments	31 March 2021

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA/288/2020

**Development:** Integrated development application for construction of a eighteen (18) storey mixed-use development comprising basement / ground / first floor commercial, and a boarding house above to be used as student and key worker accommodation comprising 308 boarding rooms, provision of a public plaza and two through-site links, basement parking, signage, landscaping, earthworks and excavation and associated works (variation to height of buildings of the RLEP 2012).

**Site:** 182-190 Anzac Parade & 157 Todman Avenue, Kensington

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

**Date of determination:** 29 June 2021

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

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 182-190 Anzac Parade & 157 Todman Avenue, KENSINGTON NSW 2033.

The conditions of consent are as follows:

#### Deferred Commencement

This is a "Deferred Commencement" consent that is granted subject to a condition under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 ("**EP&A Act**"). This "Deferred Commencement" consent is not to operate until the Applicant satisfies the Randwick City Council ("**Council**") as to the matters set out in Schedule 1.

### **Schedule 1 - Deferred Commencement Conditions**

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 Scape Group Australia to Randwick City Council dated 17 March 2021 (17 March 2021 letter) made pursuant to Section 7.7(3) of the Environmental Planning and Assessment Act 1979.
- A2. Immediately upon execution, the VPA shall be registered on the title to the land pursuant to Section 7.6 of the Environmental Planning and Assessment Act 1979.

### **Period within which evidence must be produced**

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

Clause 95(4) of the Regulation:

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

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

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

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

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

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

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

### **Schedule 2 – Conditions to Apply Upon Satisfaction of Schedule 1**

**Development Consent Conditions****GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<b>Plan No.</b>	<b>Rev No.</b>	<b>Drawn by</b>	<b>Dated</b>
SK001	F	Plus Architecture	19/04/2021
SK099	F	Plus Architecture	19/04/2021
SK100	F	Plus Architecture	19/04/2021
SK101	E	Plus Architecture	24/03/2021
SK102	E	Plus Architecture	24/03/2021
SK103	E	Plus Architecture	24/03/2021
SK104	E	Plus Architecture	24/03/2021
SK105	E	Plus Architecture	24/03/2021
SK109	D	Plus Architecture	19/03/2021
SK110	E	Plus Architecture	24/03/2021
SK118	E	Plus Architecture	24/03/2021
SK119	E	Plus Architecture	24/03/2021
SK200	F	Plus Architecture	19/04/2021
SK201	F	Plus Architecture	19/04/2021
SK202	F	Plus Architecture	19/04/2021
SK203	F	Plus Architecture	19/04/2021
SK220	F	Plus Architecture	19/04/2021
SK221	E	Plus Architecture	24/03/2021
SK600	D	Plus Architecture	19/03/2021
SK601	D	Plus Architecture	19/03/2021
SK602	D	Plus Architecture	19/03/2021
SK603	D	Plus Architecture	19/03/2021
SK605	D	Plus Architecture	19/03/2021
SK610	D	Plus Architecture	19/03/2021
SK611	D	Plus Architecture	19/03/2021
SK612	D	Plus Architecture	19/03/2021
SK613	D	Plus Architecture	19/03/2021
SK615	D	Plus Architecture	19/03/2021
SK620	D	Plus Architecture	19/03/2021
LD-S34-000	1	Landform Studios	19/03/2021
LD-S34-001	1	Landform Studios	19/03/2021
LD-S34-100	1	Landform Studios	19/03/2021
LD-S34-101	1	Landform Studios	19/03/2021
LD-S34-110	1	Landform Studios	19/03/2021
LD-S34-120	1	Landform Studios	19/03/2021
LD-S34-130	1	Landform Studios	19/03/2021
LD-S34-140	1	Landform Studios	19/03/2021
LD-S34-150	1	Landform Studios	19/03/2021
LD-S34-300	1	Landform Studios	19/03/2021
LD-S34-301	1	Landform Studios	19/03/2021
LD-S34-900	1	Landform Studios	19/03/2021

<b>BASIX Certificate No.</b>	<b>Dated</b>
1111436M_03	05 May 2021

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The Environmental Wind Assessment, dated 28 May 2020 and prepared by ARUP shall be amended to reflect the approved development. The findings of the assessment are to provide design solutions to minimise the impact of wind on public and private domain.
  - b. The acoustic report, dated 3 June 2020, Revision 1 and prepared by Acoustic Logic shall be amended to reflect the approved development and to demonstrate compliance with the controls under Section 14 – Acoustic Privacy of Part C of Kensington and Kingsford Development Control Plan.
  - c. The Green Travel Plan prepared by Ason Group shall be amended to reflect the approved development.
  - d. Electrical vehicle charging point shall be provided in accordance with the control under Section 22 – Sustainability of Part C of D of Kensington and Kingsford Development Control Plan (i.e. 1 per 5 parking spaces where onsite parking is provided).
  - e. A space for storage and sorting of problem waste such as E-waste, clothing, and hazardous waste shall be provided in accordance with the control under Section 22 – Sustainability of Part C of D of Kensington and Kingsford Development Control Plan.
  - f. The Ecologically Sustainable Development report, dated 2 June 2020 and prepared by Integral Group shall be amended to reflect the approved development.
  - g. The sanitary facilities adjacent to the Community Hall at lower ground floor level shall be modified to allow internal access from the Community Hall only. All external access to these facilities shall be deleted.

Details of compliance with the above conditions are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of Construction Certificate 3 (as specified in Condition 13).
3. The Community Hall including the associated lobby/stairs and sanitary facilities at lower ground floor level and entry foyer/stairs at ground floor level shall be designated for Council usage only. Appropriate measures to prevent unauthorised access to and use of these areas by other parties shall be provided to and approved by Council's Manager Development Assessment prior to the issue of Occupation Certificate.
4. The Management Statement dated April 2020, prepared by Scape shall be amended to include the following aspects to the satisfaction of Council's Manager Development Assessment prior to the issue of an Occupation Certificate:
  - The number of approved parking spaces including allocation of the car spaces for the key workers and commercial premises.
  - Measures to restrict student using car parking spaces.
  - The restriction on the number of approved students allow to reside within the building.
  - No boarding room shall be occupied by more than 1 single lodger for the single rooms or 2 lodgers for the double rooms.
  - Any recommendations of the acoustic report (as amended in accordance with conditions).
  - The minimum length of stay for all lodgers (students and keyworkers) shall be three (3) months within the building and no maximum length of stay.
  - No party policy.

- Apply a management policy that restricts use of the communal roof terrace area as follows:
  - The use of the communal roof terrace area are restricted to 7:00am – 10:00pm Monday to Sunday inclusive.
- The use of the communal roof terrace area shall be restricted to the maximum of 20 people.
- No amplified music is to played within external areas at any time.
- The use of the communal roof terrace area shall not result in any disturbances to the residents within the building and neighbouring properties.
- Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day.
- On site security arrangements.
- A schedule detailing furnishing for sleeping rooms.
- Cleaning and maintenance arrangements.
- Ongoing operational arrangements to minimise and manage noise transmission to adjoining properties.
- Management and staffing arrangements and overview of each role's key responsibilities.
- Measures to ensure ongoing workability of emergency systems including lighting and smoke detectors, sprinkler systems, and air conditioning.
- Placement and composition of furnishing and fittings to achieve the appropriate fire safety requirements.
- Measures to ensure how premises are to be regularly checked to ensure fire safety including that all required exits and egress paths are clear and free of locks and obstructions.
- Provision of information on community and education services, including health, counselling and cultural services.
- House rules regarding occupancy and behaviour of students and visitors.
- Critical Incident Management and Emergency & Evacuation Procedures.
- Management procedures over holiday periods.
- Total number of students/occupants permitted in each communal area.
- Nominate the hours of permissible use for each communal area including outdoor areas, laundry and kitchen areas.
- All other recommendations outlined in the Acoustic Assessment report (as amended by Condition 2.b.)

#### **Voluntary Planning Agreement**

5. 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 182-190 Anzac Parade & 157 Todman Avenue, Kensington.
6. While any Voluntary Planning Agreement executed by the applicant and Randwick City Council in accordance with condition A1 for 182-190 Anzac Parade & 157 Todman Avenue, Kensington is in effect:
  - (a) condition 13 does not apply to the extent that the Voluntary Planning Agreement excludes the application of s7.12 of the *Environmental Planning & Assessment Act 1979* (NSW); and
  - (b) conditions 14, 15 do not apply to the extent specified in the Voluntary Planning Agreement.

#### **Site Consolidation**

7. The applicant/owner shall prepare and register a 'Plan of Consolidation' that consolidates Lot 1 & 2 in DP 331408 (No.182-188 Anzac Pde), Lot 1 in DP 130297 (No.190 Anzac Pde) and Lots 1 in DP (No.157 Todman & currently under Strata Scheme SP 45348) 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.

#### **Sydney Airport**



8. The conditions from Sydney Airport shall be complied with as follows:

In accordance with regulation 14(1)(b), the following conditions are imposed:

1. The building must not exceed a maximum height of 86.15 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. The building must be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per Chapter 9 Division 3 of the Civil Aviation Safety Regulations 1998 Manual of Standards - Part 139 Aerodromes (the MOS). Characteristics for low intensity lights are stated in Section 9.32 of the MOS.
3. If at any time after the height of the building has reached 64 metres AHO, the crane(s) used to construct the building are removed and no other crane(s) are in place for fitout or final works on the building, then the Proponent must arrange for the highest point of the building to be obstacle lit with low intensity steady red lighting during the hours of darkness. The obstacle lights must be arranged to ensure the lighting can be observed in a 360 degree radius as per Section 9.36 of the MOS.
4. The Proponent must ensure the obstacle lighting is monitored. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to Section 9.36 of the MOS.
5. The Proponent must ensure obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.
6. Following completion of the building, the Proponent must advise SACL, in writing:
  - a) 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
  - b) the contact details of the person/position responsible for the maintenance of the obstacle lighting are sent to Sydney Airport. These details must be reviewed regularly and kept up to date.
7. Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes 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 (i.e. cranes) be obtained prior to any commitment to construct.
8. 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-334 P2.
9. On completion of construction of the building, the Proponent must provide the SACL airfield design manager with a written report from a certified surveyor on the finished height of the building.

**Water NSW GTAs**

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

**Dewatering**

- GT0062-00001 Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
- GT0063-00001 An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
- GT0064-00001 An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
- GT0065-00001 The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
- GT0066-00001 The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- GT0067-00001 Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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- GT0068-00001 Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- GT0069-00001 The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
- GT0070-00001 Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- GT0071-00001 Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be



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- impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0141-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: a. Apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development. b. Notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.
- GT0142-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
- GT0143-00001 All extracted groundwater must be discharged from the site in accordance with

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	Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0149-00001	Dewatering completion report content: a. Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. b. The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): i. All results from the Approved Monitoring Programme; and ii. Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c. The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.watarnsw.com.au/customerservice/waterlicensing/dewatering">www.watarnsw.com.au/customerservice/waterlicensing/dewatering</a> .

### Transport for NSW Conditions

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

#### General

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



1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Anzac Parade boundary.
2. The construction of stormwater connections on Anzac Parade and associated works shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@rms.nsw.gov.au](mailto:developerworks.sydney@rms.nsw.gov.au).  
  
Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).  
  
A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
3. All vehicles shall enter and exit the site in a forward direction.
4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.  
  
The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).  
  
If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
6. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).  
  
A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
7. Bicycle Parking should be provided in accordance with AS2890.3.
8. 'No Stopping signage' shall be installed along the Anzac Parade frontage of the development, at no cost to TfNSW.
9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
10. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. No works zone will be permitted on Anzac Parade.
11. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.

12. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Anzac Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

#### **Consent Requirements**

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

**Construction Certificate 1:** Early-works, including demolition of existing structures and slabs as outlined in approved Development Application.

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

**Construction Certificate 3:** All construction works of new structures and buildings from ground level and above.

#### **External Colours, Materials & Finishes**

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing Construction Certificate 3 for the development.

#### **Kensington and Kingsford Town Centre Section 7.12 Development Contributions**

13. In accordance with the Kensington and Kingsford Town Centre Development Contributions Plan 2019, based on the development cost of \$73,550,400 (incl GST) a s7.12 levy of \$1,838,760.00 must be paid to Council.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

**Kensington and Kingsford Town Centre Community Infrastructure Contributions**

14. 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 monetary community infrastructure contribution (CIC) of \$2,884,675 must be paid to Council.

The CIC is calculated at \$475 x per square metre of additional residential floor space granted under the Alternative Height of Building Height Map applicable to the site under Clause 6.17 of the RLEP 2012.

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

**Works in Kind**

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

**Community Infrastructure**

16. The operational aspects of onsite community infrastructure must ensure equitable and reasonable access to all.

The Multi-purpose Space accessed from ground level and located on lower ground floor is to be open at hours that Council requires to ensure the Multipurpose Space is viable and Council's use of the space is unrestricted.

A 99 year lease will be granted to Council for the Multi-purpose Space on the basis of \$1 rent payable. Council will be entitled to sublease the space with prior approval by the Owner (not to be unreasonably withheld). Council will be responsible for outgoings associated with the premises (Multipurpose Space) such as water, electricity and public liability insurance. .

**Compliance Fee**

17. A development compliance and enforcement fee of \$5,000 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

**Long Service Levy Payments**

18. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*



**Security Deposit**

19. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17(6) of the *Environmental Planning and Assessment Act 1979*:

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

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

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

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

**Electricity Substation**

20. The applicant must liaise with Ausgrid prior to obtaining Construction Certificate 3 (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

**Sydney Water**

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

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

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

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

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

<https://www.sydneywater.com.au/tapin>

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

**Telecommunications infrastructure**

22. Prior to the issue of Construction Certificate 3 in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

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

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

### **Street Tree Protection**

23. In order to ensure retention of the row of three *Platanus x hybrida* (London Plane Trees) on the Anzac Parade footpath, being one towards the northern boundary of no.186-188, one in front of no.190, then a smaller tree to the south of this site, in front of no.192, as well as the other two mature street trees around on the Todman Avenue verge, adjacent the northeast corner of the existing building at no.182, being from west to east, a *Jacaranda mimosifolia* (Jacaranda) and a *Callistemon viminalis* (Bottlebrush) in good health as shown, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the works.
- b. The three Plane Trees on the Anzac Parade frontage must be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar around their trunks, 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. The other two street trees on the Todman Avenue verge are to be physically protected (either individually or as a group) by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located a minimum distance of **1.5 metres** to their east and west (measured off the outside edge of their trunks at ground level), matching up with the back of the kerb to their north, and the public footpath to their south, in order to completely enclose them for the duration of works.
- d. This protection/fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to acknowledge these requirements.
- f. The applicant is not authorised to perform any other works to these public trees and must contact Council's Landscape Development Officer on 9093-6613 should **clearance pruning** or similar be needed. If approval is given, it can only be

performed by Council, wholly at the applicants cost, GIVING SIX WEEKS NOTICE, with payment to be received prior to pruning, and prior to any Occupation Certificate.

- g. **Where roots with a diameter of 40mm or more are encountered during Public Domain improvements, which are in direct conflict with the approved external works, then Council's Landscape Development Officer (9093-6613) must firstly be contacted for a site inspection of the affected area/s before proceeding further with these works.**
- h. Where this involves minor type roots, and Council gives permission for their pruning, they may then be cut cleanly by hand (using only hand-held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible so that the cut ends of roots are not left exposed to the atmosphere.
- i. Where more major, structural type roots are found, which Council determine must be retained, then an alternative design solution/outcome will need to be presented to, and be approved in writing by, Council's Landscape Officer, prior to proceeding further with external works in these affected areas.
- j. The Principal Certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to any Occupation Certificate.
- k. A refundable deposit in the form of cash, credit card, cheque OR bank guarantee for an amount of **\$10,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these five trees.

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

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

#### **Land Contamination & Remediation**

- 24. A NSW EPA Accredited Site Auditor, accredited under the Contaminated Land Management Act 1997, must be appointed to assess the suitability of the site for its intended development and use.
- 25. A *Detailed Site Contamination Investigation Report* must be submitted to the satisfaction of Council's Manager of Development Assessments and the Appointed Site Auditor prior to issuing any Construction Certificate for the development.
- 26. The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site.

27. The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Office of Environment and Heritage (OEHL/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.
28. Should the *Detailed Site Investigation Report* demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use in its current state, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 and it is not necessary to carry out any removal or remediation work.
29. The written concurrence of Council and the appointed NSW EPA accredited Site Auditor must be obtained before any Construction Certificate is issued for the development, which confirms that the Appointed Site Auditor and Council does not require further investigations, monitoring or site remediation work to be undertaken.
30. Should the *Detailed Site Investigation Report* identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-
- a) A *Remediation Action Plan* (RAP) is required to be submitted to the satisfaction of Council prior to commencing any remediation works and prior to issuing any Construction Certificate.
  - b) The RAP is also required to be reviewed by an independent NSW EPA Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the appointed NSW EPA Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.

The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW EPA, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
  - Validation sampling and analysis,
  - Prevention of cross contamination and migration or release of contaminants,
  - Site management planning,
  - Ground water remediation, dewatering, drainage, monitoring and validation,
  - Unexpected finds.
- c) Interim Audit Advices shall be provided to Council at agreed interim stages of the development. The Interim Stages are to be agreed to in writing by the Council and the appointed site auditor and the developer and the builder and the owner(s) prior to any Construction Certificate being issued. The agreed time frames form part of this consent condition and must be complied with.
  - d) A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing *any Occupation Certificate* for development. The Site Audit Statement and Summary Site Audit Report must confirm that the land has

been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

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

- e) Remediation works are to be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW OEA/EPA and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- f) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

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

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

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

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

### **Acoustic Privacy**

- 31. Noise emissions from plant and equipment and the use and operation of the development including structure borne noise must satisfy the relevant noise criteria in the *Protection of the Environment Operations Act 1997* and Environment Protection Authority guidelines and details to demonstrate compliance with the relevant noise criteria shall be included in the Construction Certificate 3.
- 32. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to Construction Certificate 3 being issued for the development, which demonstrates that noise and vibration emissions from the development will satisfy the relevant provisions of the:
  - a. *Protection of the Environment Operations Act 1997*,
  - b. Environmental Protection Authority Noise Control Manual & Industrial Noise Policy; and
  - c. The adopted Council K2K DCP and development control measures as set out in **Section 14 Acoustic Privacy** and **Section 26 Student Accommodation**; and
  - d. relevant conditions of consent (including any relevant approved acoustic report and recommendations), and

- e. Australian Standard AS2107:2016 “Acoustics - Recommended design sound levels and reverberation times for building interiors”.

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

33. In accordance with the K2K DCP Section 14 (k) A noise and vibration assessment report, prepared by an appropriately qualified acoustical consultant/engineer, is to be submitted prior to any Construction Certificate being issued for new buildings addressing appropriate measures to minimise potential future noise and vibration impacts permissible in the B2 Local Centre Zone including amplified music associated with restaurants, small bars and cafes, noise from light rail movements. This assessment is to:
- a) be prepared having regard to the NSW Environmental Protection Authority’s Noise Policy for Industry, the DECC (EPA) Assessing Vibration, a Technical Guideline, and relevant Australian Standards pertaining to noise measurements and the noise conditions identified above
  - b) incorporate an assessment of external noise sources and internal noise sources (such as mechanical ventilation) with respect to the criteria specified under Section 14 b), c) and d) of the K2K DCP; and
  - c) detail the design measures needed to achieve the required internal acoustic amenity specified under Section 14 b), c) and d) of the K2K DCP.

**Air Quality**

34. In accordance with the Council K2K DCP Section 34 prior to Construction Certificate 3 being issued, the applicant is to submit a report from a suitably qualified air quality consultant demonstrating compliance with the following:
- a) The development proposal addresses building design solutions and construction measures that reduce air pollution and improve indoor air quality for occupants, and
  - b) a statement which explains how the development proposal has addressed the NSW Government ‘Development near rail corridors and busy roads – Interim Guideline’ and
  - c) Air intake for proposals are to be sited well away from Anzac Parade or the pollution source (e.g. on top of tall buildings) **or** be provided with filtration to remove particulates.

**Transport for NSW**

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



## **Prior to the Issue of the Construction Certificate**

### **Process of Endorsement of Conditions**

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

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

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

### **Review and Endorsement of Documents**

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

### Pre-construction Work Dilapidation Report

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

### Acoustic Assessment

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

### Electrolysis Analysis

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

### Reflectivity Report

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

### Balconies and Windows

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

### Consultation Regime

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

### Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.



Works Deed / Agreements

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

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

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

**Compliance with the Building Code of Australia & Relevant Standards**

36. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
37. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.

**BASIX Requirements**

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

The required commitments listed and identified in the BASIX Certificate must be included in the Construction Certificate 3 plans, specifications and associated documentation, to the satisfaction of the Certifier.

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

**Site stability, Excavation and Construction work**

39. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifier for the development:-
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
  - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
  - c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
  - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifier*.
  - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifier*.

**Traffic conditions**

40. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the Principal Certifier, are to be included in Construction Certificate 3 documentation.

41. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate 3 plans must demonstrate compliance with these requirements.
42. A minimum of 15 car spaces shall be provided for this development. Any provided car stacker system shall be a fully independent system and must have a minimum head clearance of 3.7m. The Construction Certificate 3 plans must demonstrate compliance with these requirements. Car spaces shall be allocated in accordance with the following:
- K2K DCP parking rate for business premises (1 space per 125m<sup>2</sup> for commercial premises and 1 space per 100m<sup>2</sup> for cafes);
  - 1 space for Boarding House management staff; and
  - K2K DCP parking rate for Key Workers (Boarding Houses) – 0.5 space per room (as per ARH SEPP)
  - K2K DCP parking rate for student accommodation – 0 space per room.

Construction Certificate 3 must demonstrate compliance with this requirement and Council must be provided with a copy of the car space allocation should Council not be the Principal Certifier

43. All vehicles must enter and exit the site in a forward direction.
44. A traffic signalling system shall be installed for this development within and at the entrance to the basement carpark at a suitable location to the satisfaction of the Principal Certifier.

The traffic signaling system must comply with the following minimum requirements;

- The traffic signaling system shall be set default to green for vehicles entering the carpark
- The traffic system must display when the carpark is full
- A marked waiting bay is to be provided in the basement
- The traffic signaling system must be installed and operational prior to the commencement of operations of the boarding house.

The Construction Certificate 3 documentation must demonstrate compliance with these requirements.

#### **Design Alignment levels**

45. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:
- **To be obtained in writing from Council's Development Engineering Section following consideration of Civil Design plans and Transport NSW requirements.**

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

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

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

46. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$2,304** calculated at \$56.00 per metre of Todman Avenue frontage. This amount is to be paid prior to a Construction Certificate 3 being issued for the development.

**Stormwater Drainage & Flood Management**

47. The proposed basement threshold shall be designed at least 300 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the Construction Certificate 2 documentation.
48. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the Construction Certificate 2 documentation.
49. The ground floor level located along the Anzac Parade and Todman Avenue site frontages shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the Principal Certifier with the Construction Certificate 3.

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

50. 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 Construction Certificate 2 being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to 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.

- f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
51. 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 Construction Certificate 2.
- b) The stormwater must be discharged (by gravity) either:
- i. Directly to the kerb and gutter in front of the subject site in Todman Avenue or Anzac Parade; or
  - ii. Directly into Council's underground drainage system located in Todman Avenue or Anzac Parade via a new and/or existing kerb inlet pit; or
  - iii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

## NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;
- i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
  - ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.  
  
Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.
  - iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or



other suitably qualified person certifies that the infiltration area will not adversely affect the structure)

- iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

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

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

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

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the

- access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

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

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

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

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

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

#### **Groundwater & Dewatering**

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

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

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

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

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

Groundwater management systems:

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

- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the Principal Certifier, prior to issuing Construction Certificate 2. A copy of the engineer's qualifications and experience must also be submitted to the Principal Certifier.

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

53. Prior to the issue of Construction Certificate 2, a report must be submitted to and approved by the Principal Certifier, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

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

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



compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.

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

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

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

#### **Waste Collection vehicle provision**

- 54. The travel path for any waste collection vehicle on the proposed laneway must be designed as required to accommodate the loading and sweeping paths of a Council MRV waste collection vehicle. A loading of 7 tonnes per axle shall be adopted. Plans and documentation submitted for the construction certificate shall demonstrate compliance with this requirement.

#### **Provision for Automated Waste Collection System**

- 55. Plans submitted for the Construction Certificate 3 shall make provision for installation of an Automated Waste Collection System (AWCS) including but not be limited to;
  - A third waste chute of minimum diameter 0.29m immediately adjacent to the two proposed waste chutes, for future use for food/organic waste.
  - A space is to be set aside/identified adjacent to the internal area or Todman Avenue for a future connection point to enable collection by a designated Council Collection Vehicle.
  - Appropriate space for associated Tanks & Pipe infrastructure to the collection point.
  - Appropriate space for bulky waste that cannot be accommodated by the AWCS shall be provided adjacent to loading bay amounting to a minimum of 20m<sup>3</sup>.

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

#### **Amended Waste Management Plan**

- 56. Operational Waste Management for the boarding house development plan is required to be in accordance with one of the following two options;

- A. Full Implementation of the Automated Waste Collection System (AWCS) for the boarding house component upon commencement of operations/occupation of the boarding house.
- B. Bin Collection on site by Council for all residential boarding house waste for a maximum period of 3 years from the commencement of operations of the boarding house after which full implementation of the Automated Waste Collection System (AWCS) shall occur.

NOTE – Council will consider increased collection frequencies during this interim period.

An amended Waste Management Plan detailing one of the above options for all of the development, is required to be submitted to and approved by Council's Waste Management Coordinator. The Waste Management Plan must also include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Provision for Food organics shall be made until the Automated Waste Collection system is implemented.

57. The garbage room/s shall be sized to contain any compactor (with safe working area) together with the required number of bins and with adequate provisions for access to all of the bins. Details showing compliance are to be included in Construction Certificate 3. Any compactor system shall be set for a maximum of 2:1 compaction and managed by a caretaker and is to be located in an area that is not readily accessible by residents.
58. The commercial garbage area must be separated from the residential bin storage areas.
59. The applicant shall enter into an indemnity agreement with Council to ensure Council collection vehicles and waste contractors will be covered in the event of an accident or injury on private property.
60. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

#### **Public Utilities**

61. 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**

62. 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 Landform Studios, dwg's LD-S34-000 - 900, rev 1, dated 19/03/21, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

#### **Todman Lane Landscape Works**

63. Certification from a suitably qualified industry professional must be submitted to, and be approved by, the Principal Certifier, confirming that the inter-active elements, play structures

and other items shown within Todman Lane/through-site-link, will comply with all relevant Australian Standards, in regards to clearances, fall/exclusion zones, softfall/impact attenuation and similar, as well as any other requirements associated with BCA criteria for safe pedestrian access, delineation and similar.

#### **Noise Emissions**

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

Details of compliance with the relevant criteria are to be included in Construction Certificate 3 application.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifier', as applicable.

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

#### **Certification and Building Inspection Requirements**

66. 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.

**Construction Site Management Plan**

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

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

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

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

**Construction Noise & Vibration Management Plan**

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

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

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

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

### **Public Liability**

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

### **Construction Traffic Management**

70. 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 a 'Works Zone' to be provided in Todman Avenue for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

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

71. 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.*

72. 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.

#### **Public Utilities**

73. 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**

74. The applicant must meet all costs associated with upgrading the Anzac Parade, and Todman Avenue site frontages in accordance with Council's Urban Design Elements Manual for the Kensington Commercial Centre, along with any other requirements that are specific to this site and development. All external works must be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for all three frontages must show proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, interface between the site and respective streetscapes, street trees, tree planting pits, tree guards, planting/gardens, turfed nature strip, potential artwork, signage, power poles/lines and any other details required by Council's Coordinator Open Space Assets (9093-6911) shall be submitted to, and be approved by, Council's Director of City Services, prior to the commencement of any external streetscape works.

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

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

Council's Coordinator of Open Space Assets must provide their written certification confirming satisfaction with all aspects of the external Public Domain works, prior to any Occupation Certificate.

#### **Site Remediation**

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

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

#### **Inspections during Construction**

76. Building works are required to be inspected by the *Principal Certifier*, in accordance with section 6.5 of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

#### **Building & Demolition Work Requirements**

77. 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.*

#### **Excavations, Back-filling & Retaining Walls**

78. 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**

79. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

#### **Sediment & Erosion Control**

80. 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**

81. 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**

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

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

#### **Notes:**

- ☐ *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*



- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

### **Public Safety & Site Management**

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

*Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.*

- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works, and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

### **Site Signage**

84. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

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

### **Restriction on Working Hours**

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work</li> </ul>

	permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 1.00pm only</li> <li>Saturday - No work permitted</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development	<ul style="list-style-type: none"> <li>Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

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

### Survey Requirements

86. 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

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

### Site Seepage & Stormwater during construction

88. 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 Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

### Road/Asset Opening Permit

89. 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**

90. 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**

91. 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.

92. 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.
93. All conditions and requirements of the NSW Police, Transport NSW and Council must be complied with at all times.

**Stormwater Drainage**

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

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

**Groundwater**

95. 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.

**Tree Removal**

96. Consistent with past advice and consents, due to a combination of being either low value species, in poor/declining condition, as well as their direct conflict with all aspects of these works, permission is granted for removal of the large *Grevillea robusta* (Silk Oak) that is located towards the southeast corner of 157 Todman Avenue, as well as those smaller shrubs in this same area, along with the mature *Cupressus macrocarpa* (Cypress) in the eastern side setback of 157 Todman Avenue, that is already leaning to the east, a *Persea americanna* (Avocado) right in its northeast site corner, and lastly, a *Pittosporum undulatum* (Native Daphne) in the southwest corner of 190 Anzac Parade, subject to full implementation of the approved Landscape Plans.

**Transport for NSW**

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

**During Construction**

- Construction vehicles shall not be stopped or parked on Anzac Parade at any time without prior approval of the Sydney Coordination Office within 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.

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

98. **Kensington and Kingsford Town Centre Affordable Housing Contribution**  
An affordable housing contribution of \$3,480,597 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 and is based on a residential floor area of 10,730m<sup>2</sup> and an Affordable Housing Contribution Rate of \$324.38 per square metre.

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

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



Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

#### **Occupation Certificate Requirements**

99. 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*.

#### **Pedestrian Link**

100. The pedestrian link at ground floor level shall allow public access unless a CPTED assessment and comments from NSW Police deem it should have restricted hours of access. Details of any measures to restrict access to pedestrian link shall be submitted to and approved by Council's Manager Development Assessment prior to the issue of an Occupation Certificate.

#### **Green Infrastructure**

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

#### **Fire Safety Certificates**

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

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

#### **Structural Certification**

103. 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**

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

The report is required to:

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

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

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

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

#### **BASIX Requirements & Certification**

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

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

#### **Noise Control Requirements & Certification**

106. 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.

107. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources. Sources may include but not limited to all plant and equipment such as air conditioning units, mechanical ventilation and audio-visual equipment for outdoor cinema.

#### **Street and/or Sub-Address Numbering**

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

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

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

#### **Compliance and Registration**

109. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the *Boarding Houses Act 2012* and the premises must also be registered with NSW Fair Trading and Council (as applicable) prior to issuing an Occupation Certificate. The premises must also be registered with Council prior to occupation and on an

annual basis, and the approved registration/inspection fee is to be forwarded to Council prior to occupation.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

110. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete industrial vehicular crossings and laybacks at kerb opposite the vehicular entrances 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) Construct/reconstruct a full width footpath along the Anzac Parade and Todman Avenue frontages, in accordance with approved Civil plans and Council's specifications and requirements.
111. 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.
112. 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.

**Sydney Water Requirements**

113. 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](https://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 issuing of an *Occupation Certificate*.

**Undergrounding of Power**

114. The applicant shall liaise directly with the relevant service utility authorities to organise for any overhead power lines and/or telecommunication cables to be relocated underground as part of this development consent. All cables to be relocated underground must be to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

#### **Stormwater Drainage**

115. 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.
116. 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).

117. 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.

118. 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.

#### **Carparking**

119. The proposed car stackers and traffic light system shall be fully installed and operational prior to the issuing of an occupation certificate.

**Landscaping**

120. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected (including all upper floors), and that it has been installed substantially in accordance with the Landscape Plans by Landform Studios, dwg's LD-S34-000 - 900, rev 1, dated 19/03/21, as well as any relevant conditions of consent.
121. 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 green walls/vertical gardens, will be maintained to a high-standard, including the replacement of failed stock, equipment and similar, so that the concepts and images presented in this application are fully delivered on-site, for the life of the development.

**Public Domain Works**

122. Prior to any Occupation Certificate, written certification must firstly be obtained from Council's Coordinator Open Space Assets, confirming that all external works have been completed in accordance with the relevant conditions of consent, to Council's satisfaction.

**Waste Management**

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

**Remediation Work**

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

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

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

**Transport for NSW**

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



### **Prior to the Issue of the Occupation Certificate**

#### **Post - construction Dilapidation Report**

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

#### **Reflectivity Report**

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

### **Public Art**

129. Details of compliance with public art design and strategy as outlined in the VPA and in accordance with the relevant controls under Section 29 – Public Art of Part D of Kensington and Kingsford Development Control Plan must be submitted to and approved by Council's Manager Development Assessment prior to the issue of an Occupation Certificate.

### **OPERATIONAL CONDITIONS**

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

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

### **Use of Commercial Premises**

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

### **Student Accommodation including Key Workers**

131. The residential component of the development must be used as student accommodation.

### **Use of parking spaces**

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

### **Fire Safety Statements**

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

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

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

**Environmental Amenity**

134. 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.
135. 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.
136. 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.
137. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq}$ , 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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

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

139. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of vibration or damage to other properties.
140. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 3 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
141. The use and operation of the premises shall not give rise to a public nuisance.
142. External communal areas are not to be provided with amplified or acoustic/live music at any time.
143. 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*.
144. The use and operation of the loading dock (including for waste services) is restricted to the hours of 7:00am – 10:00pm Monday to Saturday and between 8am-10pm on Sundays and Public Holidays.
145. The use and operation of the student housing / boarding house is to be undertaken in accordance with the detailed Plan of Management (and as amended) at all times.

146. Any changes to the proposed operation of the business may be subject to further development consent and/or a report may also be required to be obtained by a suitably qualified and experienced consultant in acoustics certifying the operation complies with the relevant noise criteria.

**Occupancy and Management**

147. The maximum permanent resident occupancy shall be 365 residents (308 rooms including 1 on-site managers room).
148. The manager of the student house/boarding house accommodation must be a responsible person over the age of 18 years and must be a permanent occupant.
149. A notice shall be placed near the entrance to the property in a visible position to the public advising of the manager's name and after hours contact number.
150. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management as updated in accordance via conditions) and that no variation shall be permitted without the further concurrence of Council.

**Occupant Record**

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

**Lease Agreement**

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

**Maintenance**

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

**Food Storage**

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

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

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

**Stormwater Detention/Infiltration System**

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

**Residential Parking Permits**

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

**GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifier* for the development,
- Council and the Principal Certifier have been given at least 2 days notice (in writing) prior to commencing any works.

- A3 Council can issue your *Construction Certificate* and be your *Principal Certifier* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944.

- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works

- A6 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9093 6971.

- A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or

- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- A9 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.

- A12 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

- A13 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

- A14 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

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

- A15 A separate application must be submitted to and approved by Council for the discharge of ground water or stormwater in accordance with section 68 of the *Local Government Act 1993*, prior to commencement of the activity.

- A16 Communal Kitchens should be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, *Australia & New Zealand Food Standards Code* and *Australian Standard AS 4674-2004*, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.

- A17 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment



to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A18 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A19 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.