

**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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations 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</b>	<b>Drawn by</b>	<b>Dated</b>
DA01.002 Demolition Plan D	Bates Smart	24.04.24
DA01.100 Location Plan D	Bates Smart	24.04.24
DA01.200 Proposed Site Plan F	Bates Smart	05.07.24
DA01.201 Site Plan - Ground Plane E	Bates Smart	05.07.24
DA03.001 Basement 01 D	Bates Smart	24.04.24
DA03.002 Basement 02 D	Bates Smart	24.04.24
DA03.100 Level 00 Ground Floor E	Bates Smart	05.07.24
DA03.101 Level 01 Plan E	Bates Smart	24.04.24
DA03.102 Level 02 Plan D	Bates Smart	24.04.24
DA03.103 Level 03 Plan E	Bates Smart	05.07.24
DA03.104 Level 04 Plan E	Bates Smart	05.07.24
DA03.105 Level 05 Plan E	Bates Smart	05.07.24
DA03.106 Level 06 Plan E	Bates Smart	05.07.24
DA03.107 Level 07 Plan E	Bates Smart	05.07.24
DA03.108 Level 08-13 Plan E	Bates Smart	05.07.24
DA03.114 Level 14 Plan F	Bates Smart	05.07.24
DA03.115 Level 15 Roof Plan F	Bates Smart	05.07.24
DA03.116 Level 16 Roof Plan E	Bates Smart	05.07.24
DA09.001 Elevations - East F	Bates Smart	05.07.24
DA09.002 Elevations - North F	Bates Smart	05.07.24
DA09.003 Elevations - West F	Bates Smart	05.07.24
DA09.004 Elevations - South F	Bates Smart	05.07.24
DA09.005 Elevations - Eat Street South E	Bates Smart	05.07.24
DA09.006 Elevations - Eat Street North F	Bates Smart	05.07.24
DA09.007 Elevations - Greenway East F	Bates Smart	05.07.24
DA09.008 Elevations - Greenway West E	Bates Smart	05.07.24
DA09.009 Elevations - NIDA Laneway F	Bates Smart	05.07.24
DA10.000 Sections - Site Section A D	Bates Smart	24.04.24
DA10.001 Sections - Site Section B E	Bates Smart	05.06.24
DA10.002 Sections - Site Section C E	Bates Smart	05.06.24
DA10.003 Sections - Site Section D (Car Park Ramp) D	Bates Smart	24.04.24
DA10.004 Sections - Site Section E C	Bates Smart	05.06.24
Appendix E – Landscape Plan Amended	Arcadia Landscape Architecture Pty Ltd	June 2024
Wind Design Review		March 04, 2024
ESD Report – Iglu at UNSW – Revision 1	Atelier ten	21.12.2022
Page 124 Signage Strategy within Attachment B – Amended Architectural Design Report – 5 July 2024 Revision 05	Bates Smart	July 2024

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. Privacy treatment having a height of 1.8m (measured above internal floor level) shall be provided to all northern facing student room windows of Building B up to Level 06 and western side of northern most student room in Building C from Levels 02 to 06. The awning windows shall not be opened by more than 250mm outwards.
  - b. Privacy screening having a height of 1.6m (measured above internal floor level) shall be provided to northern side of Building B Levels 07 to 10. The awning windows shall not be opened by more than 250mm outwards.
  - c. Privacy louvres to Building B Level 01 north facing communal rooms shall be full height and fixed to ensure no direct outlook to the NIDA building.
  - d. Privacy louvre shall be provided to Building C west facing communal terrace for a minimum length of 3m measured from the northern end of the terrace.
  - e. All privacy screens/louvres must be constructed with either:
    - Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable);
    - Fixed lattice/slats with individual openings not more than 30mm wide;
    - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
  - f. Ensure that the northern elevation of Building C does not contain any facade openings.

Reason: This condition has been included to ensure sufficient visual privacy between the development and NIDA.

#### Signage

- g. The signage strategy dated July 2024 shall be amended to remove signage not located at the following locations:
  - Building A parapet facing Anzac Parade which shall also be reduced to around half its area.
  - Building A podium as shown in the Signage zone and
  - Building C Anzac Parade frontage.

Signage located on Building B top level and southern side of Building C are not approved.

Details of signage shall be submitted to Council for approval prior to a Crown Certificate being issued for the development.

#### **Green Travel Plan**

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

The approved Green Travel Plan shall be implemented during the operational life of the development and may be amended from time to time to respond to contextual changes or UNSW sustainability or transport strategy changes.

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

Reason: These conditions are included to manage demand for and provide for sustainable traffic and parking measures.

**Additional parking.**

5. Prior to the issuing of a Crown Certificate the applicant must incorporate at within the basement a minimum of 5 EV charging points in basement, 2 car share spaces in basement, 10 motorcycle spaces (within Building D and E and Basement).

**TfNSW conditions.**

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**TAB A.**

**Recommended Conditions:**

TfNSW requests that the following conditions are included in any consent issued by Council:

1. Any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along the Anzac Parade boundary.
2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)  
  
A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.  
  
The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)  
  
If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
4. The proposed development should be designed such that road traffic noise from Anzac Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
5. If construction works will impact pedestrian or vehicular access to the bus stop adjacent to the site on Anzac Parade, the bus stop shall be temporarily relocated to a suitable location to be determined in consultation with Transdev John Holland Buses (NSW) Pty Ltd and TfNSW. After the construction works affecting access to the bus stop are complete, the bus stop and shelters shall be returned to the bus stop. These works shall be at no cost to TfNSW.
6. The proposed permanent bus shelter relocation shall be undertaken following consultation with Transdev John Holland Buses (NSW) Pty Ltd and TfNSW. These works shall be at no cost to TfNSW.
7. A revised Green Travel Plan should be prepared in consultation with TfNSW and a copy of the final plan should be submitted for TfNSW endorsement, prior to the issue of the Occupation Certificate. Please send the GTP for review to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au).
8. A Loading Dock Management Plan shall be prepared in consultation with TfNSW (via: [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au)). The Plan needs to specify, but not be limited to, the following:
  - Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.
  - Swept paths of vehicles entering and exiting the loading dock.
  - Management of any queuing along Day Avenue as a result of the proposed loading dock arrangement.
  - The details of alternate loading zones to redirect vehicles if there is extensive queuing at the access to the loading dock.
  - Management of incidents at the access to the loading dock.
  - Loading dock management details including measures to minimise freight and service vehicle movements during peak periods.
  - Management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.
  - Actions to be taken to reduce the likelihood of conflict at the NIDA Anzac Parade driveway (between road users travelling on Anzac Parade or the Anzac Parade footpath) and to ensure that access to the existing driveway will be restricted to NIDA service vehicles only.  
A copy of the final plan should be submitted for TfNSW endorsement, prior to the issue of the Occupation Certificate.
9. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements, impact on pedestrians and vehicles along Anzac Parade and traffic control should be submitted to Council and TfNSW (via: [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au)) for approval prior to the issue of a Construction Certificate.
10. A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of Anzac Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

6. The outdoor terraces, balconies, external windows and other external features that face onto the light rail corridor and Anzac Parade must be designed in accordance with Section 5.4 of

the ASA standard T HR CI 12090 Airspace and External Developments version 1.0 unless otherwise agreed by TfNSW.

## **TAB A – Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations**

### **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 ASA standards T HR CI 12090 ST Airspace and 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. 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;
- The applicant must hold current public liability insurance cover of minimum AUD\$ 250 million, unless otherwise advised by TfNSW, for the entire period of the work programme. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and its infrastructure. Prior to issuing the first Construction Certificate the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

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

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

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

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

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

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

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
  - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
  - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
  - Details of the vibration and movement monitoring system that will be in place before excavation commences;
  - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
  - Detailed survey plan with location of services.

### Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared, in consultation with TfNSW, by a qualified structural engineer. The dilapidation survey shall be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed. Prior to the issue of the relevant Construction Certificate or any preparatory, demolition or excavation works, a copy of the pre-construction work Dilapidation Report shall be provided for the review and endorsement of TfNSW and the Sydney Light Rail Operator.

### 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 unless otherwise agreed by TfNSW. 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, if required by TfNSW, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

### Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance

required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

### Works Deed / Agreements

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

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



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

#### **During Construction**

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

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

##### Post - construction Dilapidation Report

A post-construction dilapidation survey report shall be prepared, in consultation with TfNSW, by qualified structural engineer. The dilapidation survey shall 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. Prior to the Issue of the Occupation Certificate:

- The post-construction dilapidation survey report shall be provided for the review and endorsement of TfNSW and the Sydney Light Rail Operator unless otherwise notified by TfNSW: and
- The applicant shall 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.

### **Sydney Airports condition**

7. Likely to be received prior to consideration by the panel on 6 August 2024.

### **Water NSW**

8. Prior to a Crown Certificate being issued for the development. the development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued and before the commencement of any work or activity. This condition requires General Terms of Approval to be obtained from WaterNSW under S89 and S90(2) of the Water Management Act.

## **REQUIREMENTS BEFORE THE RELEVANT CROWN CERTIFICATION CAN BE ISSUED**

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

9. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the relevant Crown Certificate plans and associated documentation.

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

10. The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application referenced in condition 1 of this consent.

This condition seeks to ensure the development contains high quality materials and finishes.

### **Section 7.12 Development Contributions**

11. Based on the development cost of \$242,848,265 the following monetary levy (representing 2.5% of the development cost) must be paid to Council: \$6,071,206.63

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a Crown 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 6000 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

Reason: This condition is included to ensure that infrastructure upgrades and management costs are appropriately born by the applicant.

### **Community Infrastructure Contributions**

12. A monetary community infrastructure contribution levy (CIC) of \$6,236,750 must be paid to Council.

The CIC is calculated at \$475 x per square metre of additional residential floor space above the maximum 24m height standard applicable to the site under the DCP, LEP and/or the planning proposal.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a Crown 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 6000 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

Reason: This condition has been included to pay for community infrastructure works surrounding the development site.

13. An affordable housing contribution levy is required to be paid to Council. The amount of the contribution is calculated at a contribution rate of \$718.75 x total residential floor area (25,589m<sup>2</sup>) equating to \$18,392,093.75.

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

The contribution rate to be paid is to be indexed twice a year, being the first days of January and July, with reference to the most recently published median strata dwelling price in Randwick City LGA, as detailed in the NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region – Strata. Please contact Council on telephone 9093 6000 or 1300 722 542 for the indexed contribution amount prior to payment.

### **Long Service Levy Payments**

14. 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 and Assessment Act 1979*.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works.*

### **Security Deposit**

15. Prior to issue of the first Crown Certificate, the following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the

roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- **20,000.00 - Damage / Civil Works Security Deposit**

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

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

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

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

**Electricity Substation**

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

Reason: This condition has been included to ensure sufficient electrical supply is provided to the development.

**Parking Allocation**

17. Prior to obtaining the relevant Crown Certificate the applicant must submit to Council for approval, and have approved a Carpark Management Plan, (CMP). The plan must clearly identify how spaces within the proposed carpark are to be allocated and how it is intended to make access arrangements for all proposed stakeholders / carpark users. The CMP must document any existing arrangements the University of New South Wales has with carpark users (in particular with NIDA) and how existing arrangements are to be maintained.

The approved CMP must be documented and shown on any Crown Certificate Application.

Reason: This condition has been included to adequately manage parking demand on the in the surrounding streets and to enable general consistency with NIDA consent issued under DA/1634/1999. This condition does not necessarily require free parking to be provided to stakeholders. The applicants Traffic Assessment report states as a management measure to ensure minimal traffic and parking impact would include a restriction imposed on students through their student handbook, referenced as part of their tenancy agreement, that no car parking spaces would be assigned to students, all students would forfeit the right to apply for any resident permits and all students moving into/out of the site would need to coordinate with the management team. Any breach of this agreement may result in termination of their tenancy agreement.

**Large Truck Management**

18. Prior to lodging the relevant Crown Certificate the applicant must submit to Council for approval by Council Manager of Development Engineering and Transport for New South Wales (TfNSW) plans showing swept paths demonstrating how Heavy Rigid vehicles (HRV) (i.e. 12.5m) enter and exit the site.

All prime mover and semi-trailer trucks must comply with the approved traffic management strategy.

This condition has been included to ensure that service vehicles accessing the northern easement can continue to access the site.

**Sweep paths and cross-over**

19. Final design of driveway crossover and swept path diagrams for HRV vehicles shall be submitted to Council for approval by Council Manager Integrated Transport and Transport for New South Wales (TfNSW) prior to the release of the relevant Crown Certificate.

**Sydney Water**

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

Reason: This condition has been included to ensure water supply can be provided to the development.

**Telecommunications infrastructure**

21. Prior to the issue of the relevant Crown Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Crown 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.

Reason: This condition has been included to ensure adequate telecommunications infrastructure can be provided to the development.

**Survey Infrastructure**

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

- (a) A letter, signed by a current NSW Registered Land Surveyor and including their Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site.
- (b) The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor.
- (c) In the event that survey infrastructure is identified as vulnerable or will be affected or impacted upon by the approved development, a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required.

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

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

#### **Tree Protection Measures**

23. To ensure retention of the closely planted row of mature *Lophostemon confertus* (Brush Box) and other species that are located along the length of the western site boundary, within the future 'Buffer Zone' area as indicated in the Landscape Package by Arcadia Pty Ltd in good health, the following measures are to be undertaken:

- a. The documentation submitted for the Crown Certificate Application must show their retention, with the position and diameter of their trunks, canopies, SRZ's and TPZ's to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Prior to the commencement of any site works, the Crown Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent and any subsequently adopted Tree Protection Plans/Recommendations/Specifications or similar.
- c. The Project Arborist must be present on-site at the relevant milestones for works and must keep a log of the dates of attendance and the works performed, which is to be presented as a *'Final Compliance Report'* for the approval of the Crown Certifier, prior to any Crown Completion Certificate.
- d. The Crown Certificate plans must show that a 10 metre exclusion zone will be provided between the western footprint of the development and the western site boundary, as indicated on the stamped approved plans referred to in condition 1, with measurements to be included to confirm compliance.
- e. The existing sloped ground levels in the area described in point 'd' above must be retained, subject to arborist advice. Any works within this zone, including, other structures such as continuous strip footings, planter boxes, stormwater systems or similar are not to be located in this area, unless supported by arborist advice.
- f. To prevent over excavation being performed closer to these trees than the approved footprint, construction details must be provided to the arborist showing that the western wall of the basement level will be constructed using contiguous piling or a similar appropriate method.
- g. The existing metal post and chain wire fence parallel with the western site boundary

must be retained in-situ; or, if this is to be removed for any reason, then 1.8 metre high steel mesh/chainwire fencing panels must be provided back in its place in this position to completely exclude the trees for the duration of works.

- h. This fencing must remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- i. To prevent soil/sediment being washed over their root systems, erosion control measures must also be provided at ground level along the edge of the protective fencing described in point 'g' above.
- j. Within the TPZ there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to comply with these requirements.
- k. Any new common boundary fencing within their TPZ's can only be a system which is supported on localised pads, not continuous strip footings, with details confirming compliance to be shown on the Crown Certificate plans.
- l. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly using only hand-held tools, not machinery, with the affected area to then be backfilled with clean site soil as soon as practically possible.
- m. The Project Arborist must ensure compliance with these requirements, both on the plans as well as on-site during the course of works and prior to any Crown Completion Certificate.

Reason: This condition is included to ensure the row of established trees along the western part of the site are adequately maintained and managed.

#### **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. 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 *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 Crown Certificate.

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.

- a) 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.

- b) 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 Crown Certificate being issued. The agreed time frames form part of this consent condition and must be complied with.
- c) A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing *any Completion 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.

- d) 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*.
- e) 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*.

- f) 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**

- 26. 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 relevant Crown Certificate.

**Construction Noise & Vibration Management Plan**

- 27. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies.
- 28. An amended Construction Noise & Vibration Management Plan must be developed and implemented throughout demolition and construction work.
- 29. The Construction Noise and Vibration Management Plan must be prepared by a suitably qualified acoustic consultant, and must address, but not be limited to, the following:
  - a. describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009); 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. The CNVMP must also include proposed scheduling of construction activities outlining predicted duration of activities and use of high noise generating activities by intrusive appliances

- b. describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- c. include strategies that have been developed with reference to sensitive direct neighbours for managing high noise generating works;
- d. include a complaints management system that would be implemented for the duration of the construction;
- e. include the agenda for meetings that shall be held at a minimum of each stage of construction or monthly which ever is stricter throughout construction to inform direct neighbours of forecast construction activity and manage adherence with the ICNG as noted above;
- f. A Consultative web-based portal must be established and maintained by the applicant or Contractor for the duration of the project. The portal shall operate as follows:-
  - Be accessible to all relevant stakeholders;
  - Host all relevant current documents (updated fortnightly) required by the DA Conditions;
  - Lists relevant contact information for the management of complaints as per condition (e) above; and
  - Detail the escalation processes for any breach of DA conditions including but not limited to alleged noise and vibration non-compliances.
- g. Regular updates of the scheduling of noisy works should be provided to all surrounding noise sensitive receivers, detailing the projected timeframes of the noisy works and any required respite periods;
- h. Must reference and consider recommendations of the report titled '*Mitigation Strategy for Reducing Noise and Vibration Impact on NIDA buildings*' dated 16<sup>th</sup> November 2023 and prepared by Acoustic Logic, in addition to the Acoustic Studio Report '*Review of current acoustic documentation for Iglu construction noise and vibration management and mitigation*' dated 9 February 2024 as modified by the conditions of this consent in setting appropriate NMLs for construction of the project.
- i. The Confirmation of the noise monitoring methodology that is to be undertaken at the commencement of each stage of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria. The CNVMP must specify where onsite monitoring for compliance with relevant noise/vibration criteria will be undertaken i.e. at the boundary at the nearest noise sensitive receiver and/or within occupancy of nearest sensitive receiver (based on sensitive receiver operational requirements). The methodology should include onsite monitoring at commencement and weekly follow ups over a minimum of 4 weeks or more if required and detail response procedure to complaints post commencement by project manager and acoustic consultant for the project.
- j. Where resultant site noise levels exceed or likely to be in exceedance of this noise vibration criteria work must cease then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties. The respite period is required to be a minimum of 2 hours or more based on consideration of any sensitive receiver advice(complaints). The proposed respite period application must be stipulated in the Construction Noise vibration Management plan and can be adjusted based on consideration of advice

from sensitive receivers and approved by the Crown Certifier prior to implementation. All parties must be advised of the predicted increase of overall time/duration of construction work should the respite periods be implemented.

30. A copy of the Construction Noise & Vibration Management Plan and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to the Crown Certifier prior to commencement of any site works.
31. Noise and vibration levels must be monitored during the works and a further report must be obtained from the acoustic/vibration consultant as soon as practicable after the commencement of the works construction 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. Further acoustic/vibration reports must be provided to the Crown Certifier or Appropriate Regulatory Authority demonstrating compliance with relevant criteria when requested.

#### **Construction Noise Limits**

32. The development must be constructed to target the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
33. Noise and vibration from any rock excavation machinery, pile drivers or plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management and mitigation strategies where exceedance is likely.

#### **Vibration Criteria**

34. Vibration caused by construction at any residence or structure outside the site must be limited to:
  - a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999) or that recommended by NSW legislation/guidelines whichever is stricter; and
  - b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC 2006) (as may be updated or replaced from time-to-time NSW EPA).

The limits in sub-condition a) (above) apply unless otherwise outlined in an approved Construction Noise and Vibration Management Plan.

#### **Acoustic Criteria**

35. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Crown Certifier prior to a Crown Certificate issued for the construction of the buildings, 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 Policy for Industry 2017;
  - c) relevant conditions of consent (including any relevant approved acoustic report and recommendations), and
  - d) Australian Standard AS2107:2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors".
36. A operational noise and vibration assessment report, prepared by an appropriately qualified acoustical consultant/engineer, is to be submitted to the Crown Certifier prior to the relevant Crown Certificate being issued for new buildings addressing appropriate measures to minimise potential future noise and vibration impacts 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 Protection of the Environment Operations Act 1997, 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. All acoustic design requirements shall be incorporated into the relevant Crown Certificate plans prior to approval. Details of compliance shall be provided by a suitably qualified acoustic consultant to the Crown Certifier prior to issuing a Crown Certificate.

#### **Air Quality**

37. Prior to any Crown Certificate being issued, the applicant is to prepare 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 is 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;
- d. All design requirements shall be incorporated into Crown Certificate plans prior to approval.

#### **Demolition & Construction Waste**

38. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Lead Specialist Strategic Waste.

The Demolition and Construction Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites. Further Council requirements are specified in Section 3 Part B6 of the Randwick Comprehensive Development Control Plan 2013.

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

#### **Operational Waste Management Plan**

39. The submitted waste management plan has not been approved as part of this consent. An amended Operational Waste Management for the development is required to be submitted and approved by Council's Lead Specialist Strategic Waste. The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details with architectural drawings (as applicable):

- The use of the premises and the number and size of occupancies the subject of this development consent.
- The type and quantity of waste, recycling and Food Organics and Garden Organics (FOGO) to be generated by the development.
- Number of waste, recycling and FOGO bins needed meet the collection requirements.
- Adequate waste storage facilities accommodating required bins and equipment.
- A minimum of one waste collection loading dock in the basement designed for waste collection trucks with a height clearance of 3.4m.
- Access and traffic arrangements including truck swept path.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste, recycling and FOGO.
- Details of the proposed FOGO, recycling and waste disposal contractors.

Reason: This condition is required to be satisfied prior to construction of the operational waste storage areas in the development.

#### **Waste Management**

40. The waste storage areas are to be provided with an appropriate mechanical ventilation system, a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

## REQUIREMENTS TO BE INCLUDED IN THE CROWN CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the Crown 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.

### **Building Code of Australia & Relevant Standards**

41. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 69 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia (BCA).

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

This condition has been included to ensure that the building is constructed in accordance with acceptable standards.

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

This condition is included to ensure adequate facilities are provided for disabled persons.

### **Traffic conditions**

43. 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 Crown Certifier, are to be included in the relevant Crown Certificate documentation.

44. 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 Crown Certificate plans 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:

- Levels to tie in with existing kerb along Anzac Parade.
- **Match the existing levels along the Day Avenue site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the Crown Certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

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

46. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$6489** calculated at **\$63.00** (as of 1<sup>st</sup> July 2024) per metre of site frontage to Anzac Parade. This amount is to be paid prior to a Crown Certificate being issued for the development.
47. 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 Crown Certifier prior to the relevant Crown Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to the relevant Crown Certificate being issued. 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
  - e) 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.
  - f) 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.
  - g) 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.

***Internal Drainage***

48. 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 *Crown Certifier* and details are to be included in the relevant Crown Certificate.
  - b) The stormwater drainage system must be provided in accordance with the Kensington 2025 Stormwater Master Plan as updated.
  - c) Any infiltration systems must be designed and constructed generally in accordance with the relevant sections of Council's Private Stormwater Code. 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). Infiltration areas must be a

minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (e.g. a road, laneway or reserve).

- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated using DRAINS software.

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.

- e) 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.

- f) 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.

- g) 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).

- h) Generally all internal pipelines must be capable of discharging a 1 in 20-year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20-year storm) to the proposed drainage (detention/infiltration) system.

- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

- j) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high waterproof 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 the relevant Crown Certificate being issued for the development).*

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

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

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions including a pit & pipe network) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) 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.

#### **Site Seepage & Dewatering**

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

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

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

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

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains

such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
  - Should have a design life of 100 years.
- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the Crown Certifier, prior to issuing the relevant **Crown Certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Crown 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.

50. Prior to the issue of the relevant Crown Certificate, a report must be submitted to and approved by the Crown 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 Crown Certifier.

#### **Amended Landscape Plans**

51. The Landscape Package by Arcadia Landscape Architects Pty Ltd, dated June 2024 and stamped received by Council 7/6/24 must be amended to now include the following additional requirements:

- a. A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity/density, location, dimensions at maturity and any other details required to adequately describe these works;
- b. A predominance of species that are hardy/tolerant and can withstand persistent winds, and are not reliant on high quantities of moisture and fertilizer for survival;
- c. A high-quality selection and arrangement of decorative species to create a site-specific palette/ theme, 'sense of identity' and assist with presentation of the development to the Anzac Parade streetscape;
- d. Selection of species that will attain dimensions to deliver on the concept images that have been indicated, and are to be strategically located to maximise future sight lines, solar access, screening of buildings and similar;
- e. Quantify/highlight the amount of new canopy trees to be provided overall.
- f. The non-trafficable green roofs shown in the approved plans in condition 1.

52. A revised landscape scheme complying with the requirements specified above must then be submitted to, and be approved by, the Crown Certifier, prior to the relevant Crown Certificate/s.

#### **Public Utilities**

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

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

#### **Undergrounding of Site Power**

54. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Anzac Parade. No Permanent Private Poles are to be installed with all relevant documentation submitted for the Crown Certificate to reflect these requirements to the satisfaction of the Crown Certifier. The applicant/owner is to

liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

### **ESD Requirements**

55. The required commitments listed and identified in ESD Report – Iglu at UNSW – Revision 1 referenced in condition 1 must be included on the relevant Crown Certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

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

### **Site stability, Excavation and Construction work**

56. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, to the satisfaction of the appointed Certifier for the development:

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjoining properties.
- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) Recommendations and requirements in the geotechnical engineers report shall be implemented accordingly and be monitored during the course of the subject site work.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the appointed Certifier for the development prior to issue of a relevant Crown Certificate.

57. Any Communal Food Premises are to be operated in accordance with the *Food Act 2003, Food Regulation 2010*. Details of the design and construction of the premises are to be included in the documentation for the Crown Certificate to the satisfaction of the certifying authority.

58. All recommendations detailed in acoustic report prepared by Acoustic Logic dated 24/04/2024 shall be incorporated into Crown Certificate plans. The acoustic consultant shall provide a statement to the Crown Certifying Authority confirming all acoustic design requirements are included in Crown Certificate plans prior to a Crown Certificate being issued.

59. The design and construction of any communal food premises and communal kitchens should comply with the following requirements (as applicable):

- Floors of kitchens and food preparation areas and the like are to be constructed of materials which are impervious, non-slip and nonabrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- Walls of kitchens and preparation areas and the like are to be of suitable construction finished with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas.

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

### **Sydney Water Requirements**

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

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

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

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

The Crown Certifier must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the Crown Certificate.

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

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

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

### **Site Remediation**

61. 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 Crown Certifier and Council prior to commencing remediation works.

62. A Demolition Work Plan must be prepared for the development in accordance with *Work Health and Safety Regulation 2017*, SafeWork NSW Code of Practice for the safe removal of asbestos and Australian Standard AS 2601 (2001), Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition and removal of hazardous materials
- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne hazardous materials.
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in any Hazardous Materials Survey
- Date the demolition and removal of asbestos will commence.

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

**Note** it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits.

### **Construction Traffic Management**

63. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Anzac Parade for the duration of the demolition & construction works.

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

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

64. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the 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 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.*

65. Any necessary approvals must be obtained from NSW Police, Transport for New South Wales (TfNSW), and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

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

#### **Civil Works**

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

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

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

### **Public Utilities**

67. 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 Crown 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**

68. The applicant shall meet all costs associated with upgrading the Anzac Parade site frontage for the approved streetscape works in accordance with Council's Urban Design Elements Manual for the Kensington Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the Anzac Parade frontage showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, the bus stop and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.

Although Council has prepared a suburb-wide preliminary design for the upgrading of all footpath areas in the Kensington Commercial Centre, the applicant will still be required to liaise with Council's Coordinator Landscape Design on 9093-6911, prior to preparation of the streetscape plan to obtain more detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall liaise with Council's Pre-paid Works Designer on 9093-6922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, with confirmation of approval to be provided in writing, prior to the issue of any type of Completion Certificate.

### **Building Certification and Associated Requirements**

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

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

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

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

- e) at least two days' notice must be given to the *Crown Certifier* and Council, in writing, prior to commencing any works.

### **Dilapidation Reports**

70. A dilapidation report (incorporating photographs of relevant buildings and structures) must be obtained from a Professional Engineer, detailing the current condition and status of all of the buildings and structures located upon all of the properties and public land adjoining the subject site, to the satisfaction of the *Crown Certifier* for the development.

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

### **Construction Site Management Plan**

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

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

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

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

### **Sediment Control Plan**

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

### **Demolition Work Plan**

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

- a) Demolition work must comply with Australian Standard AS 2601 (2001), Demolition of Structures; SafeWork NSW requirements and Codes of Practice and Randwick City Council's Asbestos Policy.
- b) The Demolition Work Plan must include the following details (as applicable):
- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
  - Details of hazardous materials in the building (including materials containing asbestos)
  - Method/s of demolition (including removal of any hazardous materials including materials containing asbestos)

- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne dust and asbestos.
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other measures to be implemented to ensure public health and safety.
- Date the demolition works will commence/finish.

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

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

**Notes:** *it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits and if the work involves the removal of more than 10m<sup>2</sup> of bonded asbestos materials or any friable asbestos material, the work must be undertaken by a SafeWork Licensed Asbestos Removal Contractor.*

#### **Construction Noise & Vibration Management Plan**

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

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

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

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

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



### **Public Liability**

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

### **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 and Assessment Act 1979* and associated Environmental Planning and Assessment Regulations and to provide reasonable levels of public health, safety and environmental amenity during construction.

76. Works shall be carried out in accordance with the Construction Noise & Vibration Management Plan having regard to management of Construction Noise Limits, Vibration and Acoustic Criteria and consultation with relevant stakeholders.

### **Site Works & Remediation**

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

- *Work Health and Safety Act 2011 and associated Regulations;*
- *Protection Of the Environment Operations Act 1997 (NSW)*
- *NSW DECC/EPA Waste Classification Guidelines (2008) and*
- *The Remediation Action Plan required by Condition 23.*

78. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

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

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

- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual *Managing Urban Stormwater Soils and Construction* produced by the NSW Department of Housing.
- c) Remediation work shall be conducted within the hours nominated for "site work" in condition 78 below.
- d) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

- e) The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, noise, remediation and construction site management matters.

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

### Construction Hours

80. 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 permitted</li> </ul>
Excavating or sawing of rock, use of jackhammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>Monday to Friday - 8.00am to 3.00pm</li> <li>Saturday - No work permitted.</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>Monday to Saturday - No time limits (subject to work not being audible in any residential dwelling or commercial/industrial tenancy or building)</li> <li>Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<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 appropriate authority, 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 authority must be obtained to vary the standard permitted working hours.*

### Site Seepage & Stormwater

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

Details must include the following information:

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

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

#### **Road/Asset Opening Permit**

82. 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 completion certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be backfilled 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 day's 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 Principal Contractor 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.

### **Traffic Management**

83. 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.
84. 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.
85. All conditions and requirements of the NSW Police, Transport for New South Wales (TfNSW) and Council must be complied with at all times.

### **Stormwater Drainage**

86. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Crown 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.

87. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Crown Certifier and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Crown 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.

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

### **Site Signage**

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

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

### **Noise & Vibration**

90. Noise and vibration from the works are to be minimised by implementing appropriate noise management and mitigation strategies, in accordance with a *Construction Noise & Vibration Management Plan*, prepared in accordance with this consent.

### **Temporary Site Fencing**

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

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), heavy-duty plywood sheeting (painted white), or other material approved by Council in writing.

- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing, hoardings and barriers must be structurally adequate, safe and be constructed in a professional manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible.
- d) Adequate barriers must also be provided to prevent building materials or debris from falling onto adjoining properties or Council land.
- e) Site access gates must open inwards and not onto Council land.

*Notes:*

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

**Overhead Hoardings**

92. An overhead ('B' class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:

- goods or materials are to be hoisted (i.e. via a crane or hoist) over a pedestrian 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 adjoining land.
- otherwise be required by SafeWork NSW, Council or the Crown Certifier.

**Site Management**

93. Public safety and convenience must be maintained during demolition, excavation and construction works and the following requirements must be complied with at all times:

- 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) Soil, sand, cement slurry, debris or any other material must not be permitted to enter or be likely to enter Council's stormwater drainage system or cause a pollution incident.
- c) Sediment and erosion control measures must be provided to the site and be maintained in a good and operational condition throughout construction.
- d) 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.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately to the satisfaction of Council.
- f) During demolition excavation and construction works, dust emissions must be minimised, so as not to have an unreasonable impact on nearby residents or result in a potential pollution incident.
- g) Excavations must also be properly guarded to prevent them from being dangerous to life, property or buildings.
- h) The prior written approval must be obtained from Council to discharge any site stormwater or groundwater from a construction site into Council's drainage system, roadway or Council land.

- i) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

#### **Site Access**

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

#### **Removal of Asbestos Materials**

95. Demolition work must be carried out in accordance with relevant SafeWork NSW requirements and Codes of Practice; Australian Standard – AS 2601 (2001) - Demolition of Structures and Randwick City Council's Asbestos Policy. Details of compliance are to be provided in a *demolition work plan*, which shall be maintained on site and a copy is to be provided to the Crown Certifier and Council.

Demolition or building work relating to materials containing asbestos must also be carried out in accordance with the following requirements:

- A licence must be obtained from SafeWork NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro),
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* and relevant Regulations.
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress",
- Council is to be given at least two days written notice of demolition works involving materials containing asbestos,
- Copies of waste disposal details and receipts are to be maintained and made available to the Crown Certifier and Council upon request,
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist or Licensed Asbestos Removal Contractor) which is to be submitted to the Crown Certifier and Council upon completion of the asbestos removal works,
- Details of compliance with these requirements must be provided to the Crown Certifier and Council upon request.

A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

#### **Dust Control**

96. 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 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.*

### **Excavations & Support of Adjoining Land**

97. In accordance with section 4.17 (11) of the *Environmental Planning and Assessment Act 1979* and section 74 of the *Environmental Planning and Assessment Regulation 2021*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

### **Complaints Register**

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

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

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

### **Survey Requirements**

99. 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:

- prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,
- prior to construction (pouring of concrete) of new floor levels,
- prior to issuing an *Completion Certificate*, and
- as otherwise may be required by the Crown Certifier.

The survey documentation must be forwarded to the Crown Certifier and a copy is to be forwarded to the Council.

### **Building Encroachments**

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

## **REQUIREMENTS PRIOR TO THE ISSUE OF A COMPLETION CERTIFICATE**

The following conditions of consent must be complied with prior to the *Crown Certifier* issuing the relevant *Completion Certificate*.

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

### **Remediation Work**

101. A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing any **Completion 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.

102. 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.

103. A report/reports, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Crown 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 relevant to the scope of the Completion Certificate.

#### **Waste Management**

104. Provide evidence of engaging a private waste collection contractor to provide waste collection services for the development. A copy of the contract or agreement must be submitted to the Council with details of collection frequency and type of waste collection services to be provided, ensuring it meets the needs of the development.

#### **Operational Plan of Management**

105. An Operational Plan of Management (OPM) is to be prepared and reviewed and approved by the acoustic consultant for the development. Once approved, the OPM shall be submitted to Council prior to any Completion Certificate being issued relating to the student accommodation, reflecting any changes made to the development proposal and conditions of consent contained with this approval. The OPM is to include (but not be limited to):
- a. Include an Event Management Plan (EMP Iglu) prepared by a suitably qualified acoustic consultant stating all required acoustic criteria compliance requirements and acoustic validation procedure as required by this consent and the event proposed. The EMP Iglu must include all NSW legislative planning requirements that are provided for events on UNSW Sites.
  - b. Maximum number of students to be accommodated at any one time.
  - c. Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day.
  - d. On site security arrangements
  - e. A schedule detailing furnishings for sleeping rooms.
  - f. Cleaning and maintenance arrangements
  - g. Ongoing operational arrangements to minimise and manage noise transmission to adjoining properties.
  - h. Management and staffing arrangements and overview of each role's key responsibilities
  - i. Measures to ensure ongoing workability of emergency systems including lighting and smoke detectors, sprinkler systems, and air conditioning.
  - j. Placement and composition of furnishing and fittings to achieve the appropriate fire safety requirements.
  - k. 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.
  - l. Provision of information on community and education services, including health, counselling and cultural services
  - m. House rules regarding occupancy and behaviour of students and visitors
  - n. Critical Incident Management and Emergency & Evacuation Procedures
  - o. Management procedures over holiday periods
  - p. Total number of students/occupants permitted in each communal area;
  - q. Nominate the hours of permissible use for each communal area including outdoor areas, laundry and kitchen areas;
  - r. Include the Revision number and date the document.
  - s. Clearly state how outdoor communal areas are managed to comply with conditions of consent;

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

106. The use and operation of the development (including 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*.



107. A report/reports must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (and plant and equipment) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Policy for Industry and Council's development consent.

A copy of the report must be provided to the *Crown Certifier* and Council prior to a Completion Certificate being issued.

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

108. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Widen the existing concrete vehicular crossing and layback at kerb serving the subject site in Anzac Parade if required. The extent of the widened crossing shall be based on turning manoeuvres submitted with the Development Application and subject to relevant consent conditions. The reconstructed crossing shall be to the satisfaction of Council and Transport for New South Wales (TfNSW) to Council's specifications and requirements.
109. Prior to issuing a final Completion Certificate or final 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.
110. 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" ([https://www.randwick.nsw.gov.au/data/assets/pdf\\_file/0006/249990/Driveways-and-Developer-Funded-Works-Policy.pdf](https://www.randwick.nsw.gov.au/data/assets/pdf_file/0006/249990/Driveways-and-Developer-Funded-Works-Policy.pdf)) 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 the relevant Completion Certificate for the development, or as otherwise approved by Council in writing.

#### **Service Authorities**

##### **Survey Infrastructure – Restoration**

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

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

##### **Traffic signal system**

112. 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 Crown Certifier.

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

- The traffic signalling system shall be set default to green for vehicles entering the carpark.
- The traffic system must display when the carpark is full to avoid vehicles entering the carpark and then reversing up the driveway (since no turning bay is provided).
- The traffic signalling system must be installed and operational prior to occupation of the development.

#### **Carparking**

113. The proposed carpark shall be finished in a manner fit for its intended use. The car spaces shall be formalised with line-marking and numbering/labelling with such works completed prior to the issuing of an occupation certificate.

#### **Undergrounding of Power**

114. The Crown Certifier shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Anzac Parade in line with condition 52. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

NOTE : Any private poles must be removed prior to the issuing of a Completion Certificate.

#### **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 any onsite detention or 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 Crown 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 Crown Certifier and the Council. The works-as-executed plan must include the following details (as applicable):
- Finished site contours at 0.2 metre intervals;
  - The location of any detention basins/tanks with finished surface/invert levels;
  - Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
117. The applicant shall submit to the Crown 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 and relevant Australian Standard 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 Crown Certifier.

118. The applicant shall submit to the Crown 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 or groundwater flows discharging to Council's Street gutter or underground drainage system.

#### **Landscape Certification**

119. Prior to the relevant Completion Certificate, certification from a suitably qualified professional in the Landscape industry must be submitted to, and be approved by, the Crown Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the amended Landscape Package by Arcadia Landscape Architects Pty Ltd, as required by Condition 49.
120. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

#### **Project Arborist Certification**

121. Prior to the relevant Completion Certificate, the Project Arborist must submit to, and have approved by, the Crown Certifier, written certification which confirms compliance with the development consent/Arborists Report Recommendations, the dates of attendance and works performed/supervised relating to retention of those described in the Tree Protection condition.

#### **Post-construction Dilapidation Reports**

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

The dilapidation report shall detail whether:

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

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

#### **Completion Certificate**

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

#### **Fire Safety Certificate**

124. A complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Completion Certificate*, in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

**Structural Certification**

125. 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 *Crown Certifier*. A copy of which is to be provided to Council.

**Sydney Water Certification**

126. A *section 73 Compliance Certificate*, under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Crown Certifier and the Council prior to issuing an Occupation Certificate or Subdivision Certificate, whichever the sooner.

**ESD Certification**

127. Prior to the issue of a Completion Certificate, certification by a suitably qualified professional is to be provided to the Council and the Crown Certifier that the as-built development achieves the ESD performance criteria set out in ESD Report – Iglu at UNSW – Revision 1 approved in condition 1.

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

128. 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 the Final Completion Certificate.

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

**OPERATIONAL CONDITIONS**

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

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

129. A separate development consent shall be obtained for the use of the retail premises at ground floor level of the development.

**Environmental Amenity**

130. 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.

131. 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.

132. The 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.

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

Note: The stricter of the amenity/intrusiveness criteria becomes the prevailing criteria for the development.

Noise from commercial plant, when assessed as an  $L_{Aeq, 15 \text{ min}}$  must not exceed the  $L_{A90, 15 \text{ min}}$  background noise level by more than 3dB when assessed inside any habitable room of any affected residence or noise-sensitive commercial premises when in use. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.

Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

133. 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/to be taken.

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

134. 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.

135. The residential component shall only be used for campus student accommodation associated with UNSW and other educational establishments. The use of the residential component for hotel use for persons or groups not associated with the UNSW, or other educational establishments such as tourist, service workers and the like is prohibited.

136. 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 a Completion 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.

137. The use and operation of the premises shall not give rise to a public nuisance.

138. Communal areas are not to be provided with amplified or acoustic/live music at any time.

139. 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*.

140. The use and operation of any loading dock (including for waste services) is restricted to the hours of 6:00am – 10:00pm Monday to Saturday and between 7am-10pm on Sundays and Public Holidays.

141. The use of all outdoor communal areas is restricted to 7:00am – 10:00pm Monday to Sunday inclusive.

142. The use and operation of the development is to be undertaken in accordance with the approved OPM including any amendments at all times.

**Student accommodation - use and operation**

143. The use and operation of the premises must comply with the requirements of Schedule 2 Part 1 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2021 under the Local Government Act 1993, the Public Health Act 2010, the Boarding Houses Act 2012 and regulations thereunder (as relevant). In addition, the use and operation must comply with the *Randwick City Councils Comprehensive Development Control Plan 2013 – C4*.

144. 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**

145. The Managers of the student accommodation must be a responsible person over the age of 18 years.

146. A notice shall be placed near the entrance to the property in a visible position to the public advising after hours contact number.

147. Each occupant shall be furnished with a set of house rules (i.e. the OPM as updated in accordance via conditions).

**Occupant Record**

148. 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 noting the requirements that the premises is to be used for campus student accommodation.

**Lease Agreement**

149. All residents in the student accommodation are to sign a lease or licence agreeing to comply with the OPM (as updated in accordance with conditions).

**Maintenance**

150. 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/Liquor Licenced/Regulated Premises**

151. A separate development consent must be submitted to and approved by Council for any proposed gymnasium or regulated premises including food, liquor licenced, beauty salon and skin penetration. Any application shall include hours of operation and compliance with relevant legislation and criteria.

**(Legionella control)**

152. Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 2010 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2011), AS/NZS 3666.2 (2011), AS/NZS 3666.3 (2011), AS/NZS 3666.4 (2011).

Details of compliance must be provided with the Crown certificate application.

Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

**(Legionella – Cooling Towers)**

153. Legionella Control – cooling towers, warm water systems and water-cooling systems must be installed and operated in accordance with the provisions of the Public Health Act 2010, Public Health Regulation 2022 and Australian Standard, AS 3666 at all times.

Upon installation and prior to issuing an occupation certificate for the development, certification and details of compliance with the abovementioned requirements, prepared by a suitably qualified and experienced person, must be provided to Council's Health Building & Regulatory Services Department.

The premises must be registered with Council together with payment of the approved fee, prior to the use or operation of the system.

#### **Food Storage**

154. Any communal food preparation, cooking, display and storage activities must only be carried out within the approved communal and residential 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 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.

#### **Resident parking restriction**

157. No parking spaces within the basement shall be assigned or allocated to the occupants of the Campus student accommodation. The campus student accommodation users are not to be provided with University Parking permits or subsidised parking concessions within the basement parking.

#### **Residential Parking Permits**

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

159. 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.

#### **Fire Safety Statement**

160. A complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* on an annual basis each year and as specified in the *Fire Safety Schedule* for the building.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a registered 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 within the building entrance or foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.