



NSW GOVERNMENT
Department of Planning

25 January 2008
Our ref: 07_0071

Contact: Simon Bennett
Phone: (02) 9228 6573
Fax: (02) 9228 6570

UNSW Village Pty Ltd
Attention: Andrew Kirk
Pier 8/9, 23 Hickson Road
SYDNEY NSW 2000

Dear Mr Kirk,

RE: Major Project Application MP 07_0071 – UNSW Student Housing

I refer to the above Major Project application lodged with the Department on 27 October 2007.

I am writing to inform you that the application has been granted approval by the Minister for Planning on 23 January 2008, subject to conditions. The consent is on the basis of the attached Notice of Determination.

Please note the development consent operates from the date of this letter.

Should you have any enquiries regarding the above matter, please contact Simon Bennett on 9228 6573 or via email to simon.bennett@planning.nsw.gov.au.

Yours sincerely,


Sam Haddad
Director-General

24.1.2008.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF MAJOR PROJECT NO. 07_0071
(File No.)

University of New South Wales On-Site Student Residential Accommodation inclusive of:

- The erection of new buildings for student residential accommodation with administrative and retail uses, basement carparking and landscaping.

I, the Minister for Planning, pursuant to Section 75J of the *Environmental Planning & Assessment Act, 1979*, determine Major Project No. 07_0071 referred to in the attached Schedule 1, by **granting approval** subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental impact of the development.
- (2) To maintain the amenity of the local area.
- (3) To encourage good urban design and a high standard of architecture.



Frank Sartor MP
Minister for Planning

Sydney,

23rd Jan 2008
~~2007~~

SCHEDULE 1

PART A — TABLE

Application made by:	UNSW Village Pty Ltd Pier 8/9, 23 Hickson Road Sydney NSW 2000
Application made to:	Minister for Planning
Major Project Number:	07_0071
On land comprising:	Lot 3 in DP 1104617 Land bounded by High Street and the UNSW campus grounds.
Local Government Area	Randwick
For the carrying out of:	A detailed description of the development approved to is described in Condition A1, Part A, Schedule 2
Capital Investment Value	\$85 million
Type of development:	Project approval under Part 3A of the Act
Determination made on:	
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless development has substantially commenced.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act 1979 (as amended).

BCA means the Building Code of Australia.

Council means Randwick City Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department of Planning

Major Project No. 07_0071 means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

PCA means a principal certifying authority appointed under section 109E of the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF APPROVAL - MAJOR PROJECT NO. 07_0071

PART A – ADMINISTRATIVE CONDITIONS

A1. *Development Description*

Project approval is granted only to carrying out the development described in detail below:

- (1) The erection of new student housing buildings with administrative and retail uses, basement carparking and associated landscaping.

A2. *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following documentation:

- (1) The Environmental Assessment Report (Volumes 1 and 2) dated September 2007 prepared by Architectus Sydney Pty Ltd (including accompanying Appendices and drawings)
- (2) The Preferred Project Report dated November 2007 prepared by Architectus Sydney Pty Ltd (including accompanying Appendices and drawings)

Except for otherwise provided by the Department's conditions of approval as set out in Schedule 2, Part B and the proponent's statement of commitments.

A3. *Inconsistency Between Documentation*

In the event of any inconsistency between conditions of this project approval and the plans and documentation described in condition A2, Part A, Schedule 2 referred to above, the conditions of this project approval prevail.

A4. *Lapsing of Approval*

Approval of Major Project No. 07_0071 shall lapse 5 years after the determination unless development has substantially commenced.

A5. *Prescribed Conditions*

The Proponent must comply with the prescribed conditions of project approval in Part B.

A6. *Determination of Future Applications*

The determination of future applications for development is to be generally consistent with the terms of approval of Major Project No. 07_0071 as described in Part A of Schedule 1 and subject to the conditions of approval set out in Parts A and B of Schedule 2.

PART B – DEPARTMENT OF PLANNING'S CONDITIONS OF APPROVAL

B.1 General

- 1.1 The Proponent will obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.
- 1.2 The proponent will continue to liaise with the local community during the development process.
- 1.3 The proponent will continue to liaise with Council during the development process.
- 1.4 In the event of any inconsistency between the conditions of this approval and the plans and documentation described in Condition Nos. 1 and 2 of Part A of Schedule 2, the conditions of this approval prevail.

B.2 Design

- 2.1 The external colours, materials and finishes of the proposed development shall be in accordance with the sample board details and elevations prepared by Architectus, submitted to and received by Council on 14 September 2007.
- 2.2 The detailed plans and elevations showing the following amendments (as per the alterations contained in the Preferred Project Report) are to be submitted to and approved by Council prior to a construction certificate being issued for the development:
 - 2 additional levels to Building F1 resulting in a 4 storey structure with 14 additional beds;
 - 1 additional level to Building E1 resulting in the creation of 5 additional beds;
 - 1 additional level to Building C1 resulting in the creation of 3 additional beds;
 - 1 additional level to Building B1 resulting in the creation of 3 additional beds;
 - the removal of 2 levels to Buildings B3, C3 and D3;
 - Building E3 re-configured to accommodate one additional bed; and
 - Building A3 setback 1200mm from the southern boundary.

B.3 Heritage

- 3.1 A Schedule of essential short term conservation works to the Fig Tree Theatre building is to be prepared by a heritage/conservation architect, including weatherproofing by replacing heavily deteriorated roof and wall cladding. The Schedule shall be submitted to and approved by Council prior to an occupation certificate being issued for the development.
- 3.2 The Schedule of short term conservation works is to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the Conservation Schedule to ensure the use of technically sound and appropriate techniques.
- 3.3 Interpretative material, in the form of historic photographs including aerial photographs, of earlier buildings which were erected on the site for military and later University use, are to be provided within one or several of the public areas of the new buildings.
- 3.4 In the event that Aboriginal objects are exposed during the works, all work should cease and Department of Environment and Climate Change is to be notified under the requirements of the National Parks and Wildlife Act 1974.

- 3.5 In the event that Historical archaeological remains or deposits are exposed during the works, all work should cease and the NSW Heritage Office is to be notified under the requirements of the Heritage Act 1977.

B.4 Section 94A Contribution

- 4.1 In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-	0.5%	-
Development Cost More than \$200,000	\$89,003,497	1.0%	\$890,034.97

The levy must be paid in cash or bank cheque prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Council's Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

B.5 Height Restriction by Sydney Airport Corporation Limited (SACL)

- 5.1 Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Building Control) Regulations 1988. Carry out crane operation should be made in writing to the SACL at least 28 days before the proposed activity.

B.6 Ecologically sustainable development & energy efficiency

- 6.1 The BASIX certificate shall be amended in accordance with the amendments contained in the Preferred Project Report prepared by Architectus dated November 2007 and received by Council on 28 November 2007. The BASIX certificate for the project demonstrating compliance with the water, thermal and energy targets is to be submitted to and approved by Council prior to a construction certificate being issued for the project.
- 6.2 The commitments listed in the relevant BASIX Certificate for this development must be fulfilled.
- 6.3 In accordance with the provisions of the Regulation, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the construction certificate plans, specifications and associated documentation for the development, to the satisfaction of the certifying authority.

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

6.4 The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:

- Stormwater management (i.e. rainwater tanks)
- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

6.5 In accordance with Clause 154B of the Regulation, a certifying authority must not issue a final Occupation Certificate for this development, unless each of the required BASIX commitments has been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

B.7 Security Deposit

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

7.1 The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works:

- a) \$5,000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

The applicant is to advise Council in writing and provide photographs of any other evidence of existing damage to the Council roadway, footway, or verge prior to the commencement of any building works.

B.8 Traffic/Civil Works

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

8.1 Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:

- a) Remove the existing vehicular crossing and to construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.

- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Remove the existing stone kerb and construct new kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
 - d) Carry out a full depth, minimum 1.5 metre wide, road construction in front of the kerb and gutter along the full site frontage.
 - e) Remove the existing concrete footpath and to construct a new concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
- 8.2 The applicant 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.
- 8.3 The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
- 8.4 All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
- 8.5 The driveway opening at the High Street frontage must be a minimum of 6.0 metres wide. The internal driveway must be a minimum 5.50m wide (clear width) at all points along the internal ramp and suitably designed for two way traffic movements.
- 8.6 The proposed carpark layout, (including service vehicle parking), and vehicular entry/exit point must conform to the requirements of AS2890.1-2004 and AS2890.2-2002 with respect to:
- Carspace dimensions, aisle widths, dead end aisles and column placements;
 - Access and crossover widths;
 - Manoeuvring requirements of vehicles within the carpark;
 - Ramp grades and transitions; and
 - Head room clearances.
- The Construction Certificate plans must demonstrate compliance with this requirement.
- 8.7 A Works Zone is to be provided in High Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

- 8.8 Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the construction phase of the development.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

- 8.9 Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed traffic and parking strategy for management of construction worker's private vehicles. The strategy/management plan shall identify where vehicles are to be accommodated during all stages of the construction works. Private vehicles associated with the site's construction workers must not be parked in streets fronting or surrounding the development site.

All traffic associated with the subject development shall comply with the terms of the approved traffic and parking strategy.

B.9 Alignment Level

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

- 9.1 The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the High Street property boundary for driveways, access ramps and pathways or the like, shall be 2.5% above the top of kerb opposite at all points along the High Street site frontage.

The design alignment level at the property boundary must be strictly adhered to. Enquiries regarding the issued alignment levels should be directed to Council's Development Engineer Coordinator (9399 0924).

- 9.2 The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.

- 9.3 The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$(Amount) calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

B.10 Service Authority

The following conditions are applied to provide adequate consideration for service authority assets:

- 10.1 A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

- 10.2 The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

- 10.3 Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
- 10.4 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 all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
- 10.5 The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
- 10.6 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the PCA prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development.

B.11 Drainage

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

- 11.1 Stormwater drainage plans have not been approved as part of this approval. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. 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) 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 (ie. above the 1 in 20 year storm) to the proposed drainage system.

- d) 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.
- 11.2 All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
- 11.3 Stormwater runoff from the UNSW Kensington Campus is to be managed in general accordance with the Stormwater Strategy prepared for UNSW by ANA Technical Services Pty Ltd dated 28/11/2005. All site stormwater for storm events up to the 1 in 20 year ARI event shall be discharged within the development site via an infiltration system, (or detention/infiltration system). No stormwater is to leave the site for storms up to the 1 in 20 year ARI event. Overflows from the infiltration system, (or detention/infiltration system), for storm events greater than the 1 in 20 ARI storm must be discharged to Council's street drainage system. The applicant must liaise with Council's Development Engineer Coordinator (9399 0924) prior to preparation of the Construction Certificate drainage submission to obtain Council's requirements for connection of the overflow system to Council's street drainage system.
- Note: should no formal overland escape route be provided for storms greater than the design 1 in 20 year storm, the infiltration system shall be sized for the 1 in 100 year storm event.
- 11.4 The required infiltration system, (detention/infiltration system), must be designed by a suitably qualified and experienced consultant using infiltration rates determined by the applicant's geotechnical engineer or other appropriately qualified consultant. The location and design of the infiltration system, (detention/infiltration system), must not adversely impact on adjacent footings/foundations/structural elements. The applicant's geotechnical engineer shall certify that the base of the infiltration system is located sufficiently above the ground water table such that the operation of the infiltration system will not be compromised by any potential future fluctuations in the water table. The referenced certification must be provided to the Certifying Authority prior to the issuing of a construction certificate.
- 11.5 Any Infiltration systems/Absorption Trenches must be designed in general accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Council's Private Stormwater Code.
- 11.6 The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
- 11.7 A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

11.8 A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the infiltration area.

11.9 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 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 "Section 8.4 PUMP SYSTEMS" as stipulated in Council's Private Stormwater Code.

11.10 A sediment/silt arrester pit must be provided prior to stormwater discharging into the required absorption/infiltration system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes 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 located 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 provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

"This sediment/silt arrester pit shall be regularly inspected and cleaned."

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

11.11 Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the infiltration system (detention / infiltration system) is maintained and that no works which could affect the design function of the 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. If new linen plans are being prepared for the site, the plans shall indicate the location and

- dimensions of the detention/infiltration areas.
- c. 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.
- 11.12 A minimum of two covered car washing bays shall be provided for this development.
- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bays must be located outside any required/approved stormwater detention system.
 - c) The car washing bays may be located within the visitor parking spaces provided they are signposted with *'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay/s.
- 11.13 Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the PCA and shall include the following details:
- a) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - b) The orifice size(s) (if applicable);
 - c) Details of any detention/infiltration/absorption systems; and
 - d) Details of any pumping systems installed (including wet well volumes).
- 11.14 Prior to the issuing of an occupation certificate, the applicant shall submit to the PCA and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
- 11.15 As the above site may encounter groundwater within the depth of the basement excavation and is located in an area with a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
- 11.16 As the basement carpark level is within close proximity to the groundwater level a report must be submitted to, and approved by the Certifying Authority or an accredited certifier, prior to issuing the

Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not be limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- 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).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (ie in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation 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.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the PCA and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the PCA 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.

- 11.17 If any temporary dewatering of the site is required to facilitate construction of any part of the basement carpark a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.

B.12 Waste Management

The following conditions are applied to provide adequate provisions for waste management:

- 12.1 Prior to the commencement of building works, a Waste Management Plan detailing waste and recycling storage and disposal for the development site is to be submitted to and approved by Council.

The plan shall detail the type and quantity of waste to be generated by the development; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

- 12.2 The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
- 12.3 The waste storage areas shall be clearly signposted.

B.13 Landscape

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

- 13.1 Landscaping at the site shall be installed substantially in accordance with the Landscape Plans prepared by EDAW, drawing numbers LA01-LA09 inclusive, project number 0750 2437, issue A, dated 15/06/2007 subject to the following additional requirements being shown on amended plans, to the satisfaction of the PCA, prior to the issue of a construction certificate, with a copy of the approved plans to be forwarded to Council if Council is not engaged as the PCA for the site. The documentation shall include:
- a. Planting plans which clearly indicate the location of all proposed planting, with all species to be drawn at their mature size.
 - b. A planting schedule which includes the quantity of all species proposed.
 - c. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
 - d. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - e. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
 - f. In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used for all hard surfacing not over basement, where possible.
 - g. Location of easements within the site and upon adjacent sites (if any).
 - h. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas (excluding turf). The system shall be connected to the sites rainwater tanks, with backup connection to the mains supply to all current Sydney Water requirements.
 - i. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown.
 - j. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth for the establishment of landscaping.
- 13.2 Documentary evidence is to be obtained from a qualified Landscape Architect, and submitted to the PCA, with a copy forwarded to Council if Council is not the PCA, prior to the issue of a final occupation certificate, which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of consent.

B.14 Tree Management

- 14.1 Approval is granted for the removal of those trees identified for removal in the "Arboricultural Assessment" prepared by Gary Clubley, Volume 1, Appendix D of the Part 3A Project Application Environmental Assessment submitted with the Development Application and on plan LA01, prepared by EDAW, Issue A, Project Number 0750 2437.
- 14.2 All pruning of trees to be retained shall be carried out in accordance with the recommendations contained in the "Arboricultural Assessment" prepared by Gary Clubley, Volume 1, Appendix D of the Part 3A Project Application Environmental Assessment submitted with the Development Application. A written statement by the site Arborist confirming that all pruning works have been performed in accordance with these recommendations/guidelines shall be provided to the satisfaction of the PCA, prior to the issue of an occupation certificate.

B.15 Tree Protection Measures

- 15.1 In order to ensure the retention of those trees identified for retention in the "Arboricultural Assessment" prepared by Gary Clubley, Volume 1, Appendix D of the Part 3A Project Application Environmental Assessment submitted with the Development Application and on plan LA01, prepared by EDAW, Issue A, Project Number 0750 2437 the following measures are to be undertaken:
- a. All detailed architectural, building, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of these trees, with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
 - b. All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels, cutting or battering of the existing soil profile within a radius of 3.5 metres from the outside edge of their trunks.
 - c. The PCA will be required to ensure that an Arborist who holds a minimum of AQF Level V in Arboriculture, and is a member of a nationally recognized organisation (the site Arborist), has been engaged for the duration of the works to administer compliance with those conditions relating to trees at the site, with all site staff to adhere to the Arborists instructions.
 - d. The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 4 metres off the outside edge of their trunks.
 - e. This fencing shall be installed prior to the commencement of construction works, and shall remain in place until all works are completed, with signage containing the following words: "TREE PROTECTION ZONE, DO NOT ENTER", clearly displayed and permanently attached.
 - f. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble. Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, the site Arborist.
 - g. All site services shall be located as far as practically possible from the trunks of all of these trees, with any excavations within 5 metres of either trunk for footings, structures, services, pipes, stormwater infiltration systems etc to be performed by hand, with any roots encountered to be cut cleanly by hand and the affected area backfilled as soon as practically possible.
 - h. Composted organic material (Vitagrow Landcure or similar equivalent) shall be provided to a depth of 100mm within the fenced off protection area, and shall be maintained for the duration

of the works.

- i. Irrigation shall be supplied to the trees, within the fenced off area, for the duration of the works to ensure adequate moisture levels are maintained.

B.16 Site Contamination and Remediation

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

- 16.1 The applicant is to engage a NSW Department of Environment and Climate Change (DECC) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, prior to works commencing, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the Accredited Site Auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.

- 16.2 Remediation and validation works shall be carried out in accordance with 'Report on Preliminary Contamination Assessment' prepared by Douglas Partners, ref Project 44301-2, dated October 2006. Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works.
- 16.3 Site remediation must be carried out in accordance with the following general requirements (as applicable):
 - a) A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, prior to a construction certificate being issued, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.
 - b) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
 - c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
 - d) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and
 - e) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.

- f) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.
- On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Environmental Health & Building Services.
- g) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
- h) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. 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
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible
- i) 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.
- j) 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.
- k) Remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
- l) A sign displaying the 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.
- m) Any new information which comes to light during remediation or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the PCA immediately.

- 16.4 Hazardous or intractable wastes arising from the construction process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
- 16.5 The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

- 16.6 The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).
- 16.7 The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
- 16.8 A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

- 16.9 The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- 16.10 Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.
- 16.11 The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

B.17 Construction Management

The following conditions are applied to ensure that the development satisfies the provisions of the Act and Regulations:

17.1 The requirements and provisions of the Act and Regulation must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

17.2 All building work must be carried out in accordance with the provisions of the BCA.

17.3 Prior to the commencement of any building works, a construction certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Act and Regulation.

A copy of the construction certificate, the approved plans & specifications and development 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.

17.4 Prior to the commencement of any building works, the person having the benefit of the development consent must:-

- i) appoint a *PCA* for the building work, and
- ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *PCA* and Council accordingly in writing, and
- iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *PCA*, and
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

17.5 The building works must be inspected by the *PCA* (or another *certifying authority* if the *PCA* agrees), in accordance with sections 109 E (3) of the Act and clause 162A of the Regulation, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *PCA* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Regulation and a satisfactory inspection must be carried out, to the satisfaction of the *PCA*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the *PCA*. Details of *critical stage inspections* carried out and copies of certification relied upon must also be forwarded to Council with the *occupation certificate*.

The *principal contractor* or *owner-builder* (as applicable) must ensure that the required critical stage and other inspections, as specified in the *PCA*'s "Notice of Critical Stage Inspections", are carried out to the

satisfaction of the PCA and at least 48 hours notice (excluding weekends and public holidays) is to be given to the PCA, to carry out the required inspection, before carrying out any further works.

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

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

- 17.7 An Occupation Certificate must be obtained from the PCA 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 Act.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Act and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

- 17.8 Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the PCA, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

Details of *critical stage* inspections carried out by the PCA together with any other certification relied upon must also be provided to Council with the occupation certificate.

- 17.9 In accordance with clause 98 of the Regulation, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the PCA:

- has been informed in writing of the licensee's name and contractor number; and
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the *Home Building Act 1989*, or

Where the work to be done by any other person (i.e. an *owner-builder*), excavation or building work must not be carried out unless the PCA:

- has been informed of the person's name and *owner-builder* permit number, or
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.

Details of the principal building contractor and compliance with the provisions of the *Home Building Act 1989* (i.e. *Details of the principal licensed building contractor and a copy of the Certificate of Insurance*) are to be submitted to Council prior to the commencement of works, with the notice of appointment of the PCA / notice of intention to commence building work.

- 17.10 The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Act.

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

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

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer 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 Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The PCA must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing any works.

- 17.12 Fire Safety Certificate must be submitted to Council prior to the issuing of an Occupation Certificate, in accordance with the requirements of the Regulation.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the PCA must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

- 17.13 Documentary evidence prepared by a suitably qualified geotechnical engineer shall be submitted to the certifying authority prior to the issuing of a construction certificate, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

- 17.14 A report shall be prepared by an Engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises including the Fig Tree Theatre, the Old Tote building and the White House

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the construction certificate.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

- 17.15 A dilapidation report prepared by an Engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of excavation or building works

detailing the current condition and status of the Fig Tree Theatre, the Old Tote building and the White House.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, prior to the commencement of any works.

- 17.16 Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction certificate.

- 17.16 The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

- 17.17 A Report prepared by an Engineer shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) prior to issuing an occupation certificate, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

- 17.18 All excavations and backfilling associated with the erection of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the PCA for the development prior to commencing such excavations or works.

- 17.19 Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

All building and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

- 17.20 A report prepared by a suitably qualified and experienced consultant shall be submitted to the PCA and a copy is to be provided to Council upon commencement of works (or as may otherwise be specified by

the PCA or Council), certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Council's conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

Any recommendations and requirements contained in the report 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 PCA and Council.

17.21 A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the PCA (and a copy is to be forwarded to the Council, if the Council is not the PCA), detailing compliance with Council's approval at the following stage/s of construction:

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

17.22 Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the PCA

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

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footpath or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- d) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article in a public place.

17.24 A Construction Site Management Plan is to be developed and implemented prior to the commencement of excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and convenience, to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

17.25 During excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated

- material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

- 17.26 During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

Details of the proposed sediment control measures are to be detailed in the *Site Management Plan* and must be submitted to and approved by the PCA prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

- 17.27 Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

If the work involved in the erection of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

Temporary fences and hoardings are to 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.

The public safety provisions and temporary fences must be in place prior to the commencement of any excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- 17.28 A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

The public safety provisions and temporary fences must be in place prior to the commencement of any excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- 17.29 The removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001)
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW – Guidelines and Codes of Practice
- Council's Asbestos Policy
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

- 17.30 Any work involving the storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- a) Council's Asbestos Policy (adopted 13 September 2005).

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

- b) A WorkCover licensed asbestos removal contractor must undertake removal of more than 50 m2 of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER

ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to site work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

The following condition is applied to provide access and facilities for people with disabilities:

- 17.31 Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

ATTATCHMENT A. STATEMENT OF COMMITMENT

Statement of Commitments

The following is the Statement of Commitments provided by the proponent demonstrating how the project will be managed to minimise its impacts both during construction and once the student housing facility is operational.

1. A Security Management Plan will be prepared to address security for residents, directional and identification signage, lighting and fencing (including fence/wall design) within the development site. The Plan is to be submitted for approval prior to the construction of the buildings or provision of such items - whichever comes first.
2. A formal Waste Management Plan will be prepared and submitted for approval prior to the occupation of development.
3. The additional investigation work recommended in the Preliminary Geotechnical Investigation conducted by Douglas Partners, included at **Appendix I** of the Preferred Project Report, will be undertaken and reported to the consent authority.
4. The recommendations of the Contamination Assessment conducted by Douglas Partners included in **Appendix J** of the Preferred Project Report are to be implemented. Any remediation work required will be implemented prior to commencement of construction on the affected part of the site.
5. The proposal shall comply with the Access Review prepared by MGAC at **Appendix K** of the Preferred Project Report which recommends that accessible paths of travel be continuous throughout.
6. The upgrade of the High Street site frontage will be undertaken to provide for pedestrian accessibility in accordance with the Randwick City Council's document titled Vehicular Access and Pavement Treatment Guideline. Works are to be carried out prior to the occupation of the building.
7. Sun-screen devices shall be installed to ensure the aesthetic quality of the buildings and their contribution to energy efficiency.
8. Parking and Traffic works will comply with the relevant Australian Standards. In particular AS 2890.1-2004 and AS 2890.2 – 2002.
9. Prior to the commencement of any works, the applicant undertakes to prepare a Construction Management Plan to be submitted and approved by the Principle Certifying Authority. The Plan will address but not be limited to the following matters where relevant:
 - Noise and Vibration Management Plan
 - Air Quality Management Plan
10. The design of mechanical services for the project must be reviewed by an acoustic consultant during the detailed design phase to ensure mechanical plant noise achieves the recommended levels and Council's development consent conditions.