

CONSOLIDATED INSTRUMENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 10285 MOD 1	10 December 2020	Director, Key Sites Assessments	Internal fit-out of the Winx Stand, modification to conditions and internal and external changes
SSD 10285 MOD 2	22 July 2021	Team Leader, Key Sites Assessments	Design amendments to the Winx Stand and the link bridge

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 13 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Sydney

13 July 2020

File: EF19/15034

SCHEDULE 1

Application Number:	SSD 10285
Applicant:	Australian Turf Club (ATC)
Consent Authority:	Minister for Planning and Public Spaces
Site:	Spectator Precinct, Royal Randwick Racecourse (Lot 2009 DP1169042)
Development:	Construction and operation of a two storey multi-purpose facility known as the 'Winx Stand'

DEFINITIONS

Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Applicant	Australian Turf Club (ATC), or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	Means a council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Randwick City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the construction and operation of the proposed development, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Royal Randwick Racecourse SSD 10285 Winx Stand, prepared by Urbis dated 30 October 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.

Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
VENM	Virgin Excavated Natural Material

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent
 - (b) in accordance with all written directions of the Planning Secretary
 - (c) in accordance with the EIS, RtS and RRFI
 - (d) in accordance with the management and mitigation measures
 - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent)
 - (f) [in accordance with the modification application titled "Section 4.55\(1A\) Modification Statement" prepared by Urbis dated 18 May 2021 and RtS](#)

Architectural drawings prepared by Cox Architecture			
Drawing No.	Rev	Name of drawing	Date
SSDA-001	ⓓ <u>F</u>	Cover page	16/06/20 <u>01/03/21</u>
SSDA-100	A	Location plan	31/10/19
SSDA-101	A	Boundaries & scope of works	31/10/19
SSDA-102	ⓓ <u>E</u>	Site plan	16/06/20 <u>01/03/21</u>
SSDA-103	A	Site analysis	31/10/19
SSDA-140	A	Demolition Plan	31/10/19
SSDA-201	ⓔ <u>G</u>	Ground floor plan	16/06/20 <u>01/03/21</u>
SSDA-202	ⓓ <u>F</u>	Mezzanine floor plan	16/06/20 <u>01/03/21</u>
SSDA-203	ⓓ <u>E</u>	Level 1 floor plan	16/06/20 <u>01/03/21</u>
SSDA-204	ⓓ <u>E</u>	Plant level floor plan	16/06/20 <u>01/03/21</u>
SSDA-205	ⓔ <u>F</u>	Roof plan	16/06/20 <u>01/03/21</u>
SSDA-301	ⓓ <u>F</u>	Elevations	16/06/20 <u>01/03/21</u>
SSDA-302	ⓓ <u>F</u>	Elevations	16/06/20 <u>01/03/21</u>
SSDA-401	D <u>E</u>	Sections	16/06/20 <u>01/03/21</u>
SSDA-801	Ⓒ <u>D</u> <u>E</u>	Schedule of finishes	16/06/20 14/08/20 <u>01/03/21</u>
SSDA-811	ⓓ <u>E</u> <u>F</u>	GFA	16/06/20 14/08/20 <u>01/03/21</u>

SSDA-850	B	Signage	06/04/20
SSDA-902	B	Photomontage	06/04/20
<u>A-26-10</u>	<u>B</u> <u>C</u>	<u>Reflected Ceiling Plan – Ground Floor Overall</u>	10/07/20 <u>01/03/21</u>
<u>A-26-20</u>	<u>B</u> <u>C</u>	<u>Reflected Ceiling Plan – Mezzanine Overall</u>	10/07/20 <u>01/03/21</u>
<u>A-26-30</u>	<u>A</u> <u>B</u>	<u>Reflected Ceiling Plan – Level 1 Overall</u>	10/07/20 <u>01/03/21</u>
<u>A-27-10</u>	<u>B</u> <u>C</u>	<u>Finishes Plan – Ground Floor Overall</u>	10/07/20 <u>01/03/21</u>
<u>A-27-20</u>	<u>B</u> <u>C</u>	<u>Finishes Plan – Mezzanine Overall</u>	10/07/20 <u>01/03/21</u>
<u>A-27-30</u>	<u>B</u> <u>C</u>	<u>Finishes Plan – Level 1 Overall</u>	04/06/20 <u>01/03/21</u>
<u>A-50-10</u>	<u>B</u> <u>E</u>	<u>Detail Elevations – Hall 1 Sheet 1</u>	10/07/20 <u>01/03/21</u>
<u>A-50-11</u>	<u>A</u> <u>D</u>	<u>Detail Elevations – Hall 1 Sheet 2</u>	10/07/20 <u>01/03/21</u>
<u>A-50-12</u>	<u>C</u>	<u>Detail Elevations – Hall 1 Sheet 3</u>	<u>01/03/21</u>
<u>A-50-20</u>	<u>A</u> <u>D</u>	<u>Detail Elevations – Hall 2</u>	05/28/20 <u>01/03/21</u>
<u>A-50-30</u>	<u>A</u> <u>D</u>	<u>Detail Elevations – Hall 3</u>	10/07/20 <u>01/03/21</u>
<u>A-51-01</u>	<u>B</u> <u>E</u>	<u>Wet Area Details – Sheet 1</u>	10/07/20 <u>01/03/21</u>
<u>A-51-02</u>	<u>A</u> <u>E</u>	<u>Wet Area Details – Sheet 2</u>	02/07/20 <u>01/03/21</u>
<u>A-51-03</u>	<u>A</u> <u>D</u>	<u>Wet Area Details – Sheet 3</u>	10/07/20 <u>01/03/21</u>
<u>A-51-04</u>	<u>A</u> <u>E</u>	<u>Wet Area Details – Sheet 4</u>	10/07/20 <u>01/03/21</u>
<u>A-92-01</u>	<u>B</u>	<u>Internal Finishes Schedule</u>	10/08/20
<u>A-68-20</u>	<u>B</u>	<u>Joinery Details Bars – Sheet 11</u>	<u>01/03/21</u>
Landscape drawings prepared by Sturt Noble Associates			
Drawing No.	Rev	Name of drawing	Date
DA-1918-01	D	Location & context	30/10/19
DA-1918-02	E	Ground floor masterplan	22/01/20
DA-1918-03	D	Ground floor corner entry	30/10/19
DA-1918-04	D	Ground floor – middle area and western entry	30/10/19
DA-1918-05	E	Level 1 masterplan	22/01/20
DA-1918-06	D	Sketch perspective	30/10/19
DA-1918-07	D	Design elevation	30/10/19
DA-1918-08	E	Indicative planting schedule	22/01/20

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in **condition A3**.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LAPSING OF APPROVAL

A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

LIMITS ON CONSENT

A6. This consent does not approve:

~~(a) — fit-out works~~

(b) signage (unless otherwise approved under this consent).

Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

PRESCRIBED CONDITIONS

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation on their Helpline 131 441.

LEGAL NOTICES

A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

EVIDENCE OF CONSULTATION

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A12. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and

management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A19. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A21. Within three months of:

- (a) the submission of a compliance report under **condition C5** and **C7**;
- (b) the submission of an incident report under **condition A16**;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under **condition A2** which requires a review,

A22. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A23. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

EXTERNAL WALLS AND CLADDING

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

DEVELOPMENT CONTRIBUTIONS

- B5. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$41,926,000 the following applicable monetary levy must be paid to Council: \$419,260. The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment. To calculate the indexed levy, the following formula must be used:

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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.

BUILDING CODE OF AUSTRALIA COMPLIANCE

- B6. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
 - (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

DESIGN INTEGRITY

- B7. The Applicant must ensure Cox Architecture and Sturt Noble Associates are engaged in the design documentation phase to ensure the integrity of the design quality of the approved development is maintained through the construction phase to completion of the building works.

Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

STRUCTURAL DETAILS

- B8. Prior to the commencement of the relevant Construction Certificate, the Applicant shall submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA
 - (b) the development consent.

MAXIMUM PATRON CAPACITY

- B9. Prior to the commencement of the relevant Construction Certificate, the Applicant shall submit to the Certifier and Planning Secretary the maximum patron capacity of the building determined in accordance with the requirements of BCA and Liquor Act 2007 and Liquor Regulation 2008.

MECHANICAL VENTILATION

- B10. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B11. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

REFLECTIVITY

- B12. The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent and shall be designed to minimise glare.

A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of a Construction Certificate.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B13. The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the commencement of the works.

ENVIRONMENTAL SUSTAINABILITY

- B14. The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in EIS Appendix Q *Ecologically Sustainability Development Assessment*, prepared by GHD, dated October 2019. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B15. All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B16. All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B17. New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of a Construction Certificate.
- B18. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

LIGHTING SYSTEMS

- B19. The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to Certifier prior to a Construction Certificate being issued.

- B20. All outdoor lighting shall comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate

STORAGE AND HANDLING OF WASTE

- B21. The design and management of facilities for the storage and handling of operational waste must comply with the requirements of Council's *Waste Management Guidelines for Proposed Development*. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

SYDNEY WATER ASSETS

- B22. 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.

Note: Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- B23. 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 the Certifier prior to a Construction Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifier. The drawings and details shall include the following information:

- (a) a detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition
- (b) a layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system
- (c) the separate catchment areas within the site, draining to each collection point or surface pit are to be classified into Roof, Paved, Garden Area categories
- (d) where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof
- (e) proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels
- (f) the details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.

- B24. 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 and details are to be provided to the Certifier and included in the Construction Certificate
- (b) an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a 1 in 10 year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system. An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm
- (c) should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system. Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event
- (d) determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition. Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank
- (e) 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

- (f) 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
- (g) a sediment/silt arrester pit must be provided within the site prior to discharging the stormwater to any absorption/infiltration system. Sediment/silt arrester pits are to be constructed generally in accordance with the following requirements:
 - i) the base of the pit being located a minimum 300mm under the invert level of the outlet pipe
 - ii) the pit being constructed from cast in-situ concrete, precast concrete or double brick
 - iii) 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
 - iv) a galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent)
 - v) the grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system
 - vi) a child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar)
 - vii) provision of 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.

- (h) any proposed infiltration system must be designed and constructed generally in accordance with Council's Private Stormwater Code
 - (i) the maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i) 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv) 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - v) above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level
- Note:** Above ground storage of stormwater is not permitted within basement car parks or store rooms.
- (j) a childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored
 - (k) a 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area. Mulch or bark is not to be used in on-site detention areas
 - (l) any onsite detention/infiltration systems shall be located in areas to be dedicated as common property and/or areas accessible by residents of all units
 - (m) should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

ACCESS FOR PEOPLE WITH DISABILITIES

B25. Access and facilities for people with disabilities must be designed in accordance with the BCA. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

SANITARY FACILITIES FOR DISABLED PERSONS

B26. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of any Construction Certificate.

BICYCLE PARKING

B27. A minimum of 20 bicycle spaces shall be provided for the development. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

FOOD SAFETY

B28. Prior to a Construction Certificate being issued for the 'fit-out' of the food business, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction of the food storage room and coffee bar satisfies the relevant requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.

LANDSCAPE PLANS

B29. Prior to the issue of a Construction Certificate, the landscape plans shall be amended in consultation with NSW Environment, Energy and Science Group (EESG) and be submitted to the Planning Secretary for approval.

B30. Tree planting at the site shall use advanced and established trees with a minimum plant container pot size of 75-100 litres, or greater for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed

B31. The Landscape Plan shall include details on:

- a) the native vegetation community that occur or once occurred in this locality
- b) a list of local provenance tree, shrub and groundcovers to be used in the landscaping
- c) the quantity and location of plantings
- d) the pot size of the local native trees to be planted
- e) the area/space required to allow the planted trees to grow to maturity
- f) plant maintenance regime. The planted vegetation should be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species
- g) a strategy which details how rainwater will be harvested to irrigate any garden beds/planting and any green walls that are not open to natural rainfall (due to roof cover)
- h) a schedule showing the number (as a percentage of total) the endemic, native and exotic species that will be used in all new planting
- i) a schedule showing the number of new canopy trees to be planted compared to the number of trees to be removed
- j) a lighting strategy for paths and gardens surrounding the development to assist with wayfinding and safety
- k) specifications of soil depths for any planting on podium.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B32. To minimise the opportunity for crime in accordance with CPTED principles, the Applicant shall provide detailed design documentation demonstrating compliance with the recommendations of the CPTED Assessment. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issue of any Construction Certificate

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **condition A2** of this consent
 - (ii) all current statutory approvals for the development
 - (iii) all approved strategies, plans and programs required under the conditions of this consent
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs
 - (vi) a summary of the current stage and progress of the development
 - (vii) contact details to enquire about the development or to make a complaint
 - (viii) a complaints register, updated monthly
 - (ix) any other matter required by the Planning Secretary.
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

DEMOLITION

- C4. Any demolition work must comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifier prior to the commencement of works.

COMPLIANCE REPORTING

- C5. A Pre-Construction Compliance Report must be prepared for the development and submitted to the Certifier for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- C6. The Pre-Construction Compliance Report must include:
 - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with
 - (b) the expected commencement date for construction.
- C7. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Secretary.
- C8. The Construction Compliance Reports must include:
 - (a) a results summary and analysis of environmental monitoring
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period
 - (d) a register of any modifications undertaken and their status
 - (e) a summary of all incidents notified in accordance with this consent
 - (f) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

COMPLIANCE

- C9. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

COMPLAINTS AND ENQUIRIES PROCEDURE

- C10. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquiries may be sent; and
 - (c) an email address to which electronic complaints and enquiries may be transmitted.

CERTIFIED PLANS

- C11. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work
 - (ii) 24-hour contact details of site manager
 - (iii) management of dust and odour to protect the amenity of the neighbourhood
 - (iv) stormwater control and discharge
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting
 - (vii) community consultation and complaints handling
 - (b) Construction Traffic and Pedestrian Management Sub-Plan
 - (c) Construction Noise and Vibration Management Sub-Plan
 - (d) Construction Waste Management Sub-Plan
 - (e) Construction Soil and Water Management Sub-Plan
 - (f) an unexpected finds protocol for contamination and associated communications procedure
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council and the Planning Secretary.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

- C13. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) in consultation with Council and TfNSW Sydney Coordination Office. The Applicant shall submit a copy of the final CTPMSP to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of work on the site. The CPTMSP shall specify, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) location of the proposed work zone;
 - (c) haulage routes;
 - (d) proposed location of any crane(s);
 - (e) construction vehicle access arrangements;
 - (f) proposed construction hours (which shall be in accordance with the approved construction hours of this consent);

- (g) estimated number of construction vehicle movements;
- (h) construction program;
- (i) consultation strategy for liaison with surrounding stakeholders;
- (j) any potential impacts to general traffic, cyclists, pedestrians and pedestrian safety and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (k) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMSP to ensure that coordination of work activities is managed to minimise impacts on the road network; and
- (l) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian safety and cyclist impacts should be clearly identified and included in the CPTMSP.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the CEMP must be submitted to the Certifier, Council and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- C14. Prior to the commencement of work, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person. The **CNVMP** shall address (but not be limited to):
- (a) the EPA's *Interim Construction Noise Guideline*;
 - (b) identify nearby sensitive receivers and land uses;
 - (c) identify the noise management levels for the project;
 - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
 - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
 - (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report, prepared by Pulse Acoustic, dated 20 June 2019;
 - (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
 - (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the CNVMP must be submitted to the Certifier, Council and the Planning Secretary.

WASTE MANAGEMENT PLAN

- C15. Prior to the commencement any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared. The WMP must:
- a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
 - b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
 - c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
 - e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.

Prior to the commencement of works, details demonstrating compliance with the above requirements and a copy of the WMP must be submitted to the Certifier.

CONSTRUCTION AIR QUALITY MANAGEMENT PLAN

- C16. Prior to the commencement of works, a **Construction Air Quality Management Plan (CAQMP)** must be prepared. The CAQMP shall address (but not be limited to):
- a) describe the measures that would be implemented on site to ensure:
 - (i) the control of air quality and odour impacts of the development;
 - (ii) that these controls remain effective over time;
 - (iii) that all reasonable and feasible air quality management practice measures are employed
 - (iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
 - (v) compliance with relevant conditions of consent.
 - b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses;
 - c) includes an air quality monitoring program that:
 - (i) is capable of evaluating the performance of the construction works;
 - (ii) includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints
 - (iii) adequately supports the air quality performance objectives; and
 - (iv) evaluates and reports on the effectiveness of air quality management for the construction works.
 - d) details on monitoring weather conditions and communicating changing conditions to the workforce;
 - e) stop work procedures if performance objectives are not being met.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the CAQMP must be submitted to Certifier and Council.

SOIL AND WATER MANAGEMENT PLAN

- C17. Prior to the commencement of works a **Soil and Water Management Plan (SWMP)** must be prepared and submitted to the Certifier. The SWMP must include:
- a) details of all erosion and sediment controls to be implemented during construction;
 - b) a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - c) a summary of any ground investigations to date;
 - d) detail all off-site stormwater flows from the site and methods to ensure that sediment is not mobilised in stormwater flows leaving the site;
 - e) the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;
 - f) the proposed stormwater disposal and drainage from the development, designed in accordance with:
 - (i) Australian Rainfall and Runoff – A Guide to Flood Estimation, Volumes 1 and 2 (1987);
 - (ii) SA/NZS 3500.3.2 National Plumbing and Drainage Part 3.2: Stormwater Drainage – Acceptable Solutions;
 - (iii) Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004)
 - g) monitoring techniques;
 - h) methods for testing of the water quality (suspended solids, turbidity and contaminants) prior to discharging from the site to ensure compliance with Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004).

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the SWMP must be submitted to Certifier and the Council

HERITAGE INTERPRETATION PLAN

- C18. A Heritage Interpretation Plan must be prepared in accordance with Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted to the Planning Secretary prior to the commencement of works. The interpretation plan must be prepared in accordance with the Royal Randwick Racecourse Conservation Management Plan (Godden Mackay Logan 2006).

ABORIGINAL ARCHAEOLOGY

- C19. Prior to the commencement of works, the Applicant shall ensure that Aboriginal Archaeology is managed in accordance with the recommendations detailed in the Aboriginal Cultural Heritage Assessment Report prepared by Urbis dated 22 October 2019.

CONTACT TELEPHONE NUMBER

- C20. Prior to the commencement of works, the Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

HOARDING

- C21. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- a) architectural, construction and structural details of the design as well as proposed artwork; and
- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

BARRICADE PERMIT

- C22. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

CONTAMINATION

- C23. Prior to the commencement of construction, an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA-accredited site auditor shall be submitted to the Certifier. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.
- C24. Implementation of the recommendations detailed in the Detailed Site Investigation for Contamination Report prepared by Douglas Partners dated 29 October 2019.

PART D DURING CONSTRUCTION

DEMOLITION

- D1. Any demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person.

HOURS OF CONSTRUCTION

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 5:00 pm, Mondays to Fridays inclusive
 - (b) between 8:00 am and 5:00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. No work may be carried out on Saturdays or Sundays where the preceding Friday and/or the following Monday is a public holiday
- D5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday
 - (b) 2.00 pm to 5.00 pm Monday to Friday.
- D6. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D7. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Construction works shall not be undertaken for at least two hours prior to an event, during an event and two hours post an event, within the Randwick and Centennial Parklands Precinct, to minimise the risk of pedestrian and construction vehicle conflicts, without prior approval of the Sydney Coordination Office and Transport Management Centre within TfNSW.

IMPLEMENTATION OF MANAGEMENT PLANS

- D9. The Applicant shall ensure that the requirements of all environmental management plans required by Part C of this consent are implemented during construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D10. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented in accordance with the CNVMP 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 CNVMP, approved as part of the CEMP.
- D11. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Subject Site.
- D12. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of $L_{Aeq} 75\text{dBA}$) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D13. The Applicant must ensure all construction vehicles do not arrive at the site or surrounding residential area outside of the construction hours of work outlined under **Condition D2**.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D15. 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)
 - (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).

OPERATION OF PLANT AND EQUIPMENT

- D16. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

CONSTRUCTION TRAFFIC

- D17. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.

TRAFFIC MANAGEMENT

- D18. 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.
- D19. 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.
- D20. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

APPROVED PLANS TO BE ON SITE

- D21. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

- D22. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

CONTACT TELEPHONE NUMBER

- D23. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

DAMAGE TO THE PUBLIC WAY

- D24. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

NO OBSTRUCTION OF PUBLIC WAY

- D25. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

COVERING OF LOADS

- D26. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D27. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

HOARDING REQUIREMENTS

- D28. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

DUST CONTROL MEASURES

- D29. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
 - d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
 - g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - h) cleaning of footpaths and roadways shall be carried out regularly.

HAZARDOUS WASTE REMOVAL

- D30. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D31. Removal of any other hazardous building materials must be undertaken by a suitably licensed contractor.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- D32. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.
- D33. A qualified contamination expert shall be contacted if any unidentified potential contamination is encountered, (including odorous or stained soils and fragments of cement sheeting that may contain asbestos).
- D34. Material excavated must be assessed in accordance with the requirements of the 'Department of Environment and Climate Change NSW Waste Classification Guidelines Part 1 Classifying Waste' (July 2009) and / or the EPA Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014.
- D35. All imported soil for landscaping or other purposes shall be VENM.
- D36. Fill material that is imported to the site must satisfy the requirements of the NSW Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.
- D37. Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of a suitably qualified Environmental Consultant.
- D38. The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the *Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated Regulations.
- D39. Any hazardous and/or intractable wastes arising from the works are to be managed and disposed of in accordance with the requirements of WorkCover NSW and the Office of Environment and Heritage/Environment Protection Authority, including the provisions of:
- *Work Health and Safety Act 2011*
 - *Protection of the Environment Operations Act 1997 (NSW)*
 - *Protection of the Environment Operations (Waste) Regulation 2014*
 - NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014)
 - Randwick City Council's Asbestos Policy

EROSION AND SEDIMENT CONTROL

D40. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

STOCKPILE MANAGEMENT

D41. The Applicant must ensure:

- a) stockpiles of material do not exceed 4 metres in height;
- b) stockpiles of material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

DISPOSAL OF SEEPAGE AND STORMWATER

D42. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the 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.

D43. 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*.

STORMWATER DRAINAGE

D44. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D45. Any required dewatering must be monitored by the consulting Engineer/s and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the Certifier and Council.

D46. 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 the conditions of consent.

D47. 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*.

WASTE STORAGE AND PROCESSING

D48. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D49. All waste generated during construction must be assess, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

D50. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D51. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D52. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

D53. The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and Regulations.

OUTDOOR LIGHTING

D54. The Applicant must ensure that all external lighting is constructed and maintained in in accordance with AS 4282-2019 *Control of the obtrusive effects of outdoor lighting*.

SAFework NSW REQUIREMENTS

D55. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

D56. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the EESG must be notified immediately in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from EESG is received by the Applicant.

UNEXPECTED FINDS PROTOCOL – NON-ABORIGINAL ARCHAEOLOGY

D57. If any unexpected archaeological remains are uncovered during the work, then all works must cease immediately in that area and a qualified historical archaeologist should be contacted to inspect them and assess their significance. If the archaeological remains are assessed as being of local or State significance by the archaeologist, Heritage NSW should be notified under Section 146 of the Heritage Act. Depending on the possible significance of the remains, an archaeological assessment and mitigation/management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

NOTIFICATION OF OCCUPATION

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

OCCUPATION CERTIFICATE REQUIREMENTS

- E2. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

FIRE SAFETY CERTIFICATION

- E3. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E4. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

SANITARY FACILITIES FOR DISABLED PERSONS

- E5. Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **condition B26**.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E6. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **condition B2**.

ENVIRONMENTAL PERFORMANCE

- E7. All non-residential environmental commitments referred to in **conditions B14 to B20** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

COMPLIANCE REPORT

- E8. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

PUBLIC DOMAIN, OPEN SPACE AND LANDSCAPING

- E9. Prior to the issue of an Occupation Certificate the Applicant shall submit evidence to the Certifier that all public domain, open space and landscaping works have been completed.

SIGNS TO BE ERECTED ON-SITE

- E10. Prior to the issue of an Occupation Certificate signs reading as follows must be erected and permanently displayed in prominent locations where they can easily be observed and read by people entering and exiting the building and shall be maintained in good order at all times by the owner/operator of the building:
- a) 'occupants shall leave the premises quietly, having regard to maintaining the amenity of the area'.

PROTECTION OF PROPERTY

- E11. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

ROAD DAMAGE

- E12. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

REGISTRATION OF EASEMENTS

- E14. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

HERITAGE INTERPRETATION PLAN

- E15. Prior to the issue of an Occupation Certificate, the Applicant must provide evidence to the Certifier that the Heritage Interpretation Plan has been implemented in accordance with **condition C18**.

MECHANICAL VENTILATION

- E16. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
 - (b) *Australian Standard AS1668* and other relevant codes;
 - (c) the development consent and any relevant modifications; and,
 - (d) any dispensation granted by the New South Wales Fire Brigade.

OUTDOOR LIGHTING

- E17. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier demonstrating that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997)
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

STORMWATER DRAINAGE AND WASTEWATER

- E18. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be provided to the Certifier and Council. The works-as-executed plan must include the following details (as applicable):
- (a) the location of any detention basin/s with finished surface levels
 - (b) finished site contours at 0.2 metre intervals
 - (c) volume of storage available in any detention areas
 - (d) the location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes
 - (e) the orifice size/s (if applicable)
 - (f) details of any infiltration/absorption systems
 - (g) details of any pumping systems installed (including wet well volumes).
- E19. The applicant shall submit to the Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers.
- E20. Prior to issue of an Occupation certificate, the Applicant shall submit to Council and Sydney Water, and have approved, CCTV videos of the reconstructed Council or Sydney Water wastewater pipeline located along the northern site boundary. Such CCTV shall inspect the wastewater pipe for any post construction damage.

UTILITY PROVIDERS

- E21. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
- E22. Prior to occupation or commencement of the use, all overhead service cables, including power lines, telecommunications cables and associated infrastructure on and to the development site are to be placed underground in accordance with the requirements of the relevant utility supply authority. The applicant shall liaise directly with the relevant service utility authorities and the works shall be carried out to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development. The applicant shall meet the full cost for the above works.

SERVICING, WASTE AND RECYCLING COLLECTION

- E23. Prior to the occupation or commencement of the use the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way e.g. the roadways, footpaths and reserves at any time.
- E24. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning. The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development.

Note: Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

- E25. 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.
- E26. Prior to the occupation of the development, the owner or applicant is required to contact a private waste contractor, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.
- E27. Prior to the issue of an Occupation Certificate, a Loading Dock Management Plan (LDMP) shall be submitted to the Certifier to ensure safe and efficient operation of the proposed loading area and minimise conflicts with pedestrian movements. The LDMP shall include the following:
- allocation of sufficient loading space(s)
 - restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements
 - controls on duration of stays
 - measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - controls on the placement of skips, pallets, etc.
 - procedures for tradesman access and parking
 - allocation of delivery times for residential removalists.

WORKS AS EXECUTED PLANS

- E28. Prior to the issue of an occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

EVENT TRAFFIC AND TRANSPORT MANAGEMENT PLAN

- E29. Prior to the issue of the first Occupation Certificate, the applicant shall prepare an Event Traffic and Transport Management Plan (ETTMP) for the proposed development to ensure that traffic and transport during race-day and non-race day events at the Royal Randwick Racecourse is safely and efficiently operated.

The ETTMP shall be prepared in consultation with the Sydney Coordination Office and Transport Management Centre within TfNSW, NSW Police, Randwick City Council and Centennial Park and Moore Park Trust. The ETTMP needs to specify, but not limited to, the following:

- Various event types and scenarios including (but not limited to) music concerts;
- Cumulative impacts of simultaneous events within the Randwick, Moore Park and Centennial Parklands Precinct;
- Details of events, including the forecasted number and type of events and activities per year, including projected patron numbers;

- Evidence to demonstrate alignment with the publicly available details of the broader Moore Park and Randwick Traffic and Transport Management Plan prepared by TfNSW;
- Measures to manage pick-up / drop-off facilities for patrons using taxi, coaches, kiss and ride and rideshare services including any consideration for Geofence for all rideshare companies while ensuring safe access for emergency vehicles and local residents in local streets;
- Details of travel modes for all patrons arriving at the site, including by vehicle, walking, cycling and forecast demand for public transport use, including light rail, heavy rail/metro and bus, and
- Traffic management measures on the surrounding road during event bump-in and bump-out;
- Details of the strategies to mitigate risks at points of crowd swell (i.e. pedestrian crossing / refuge points, circulation around the Royal Randwick Racecourse and the Randwick and Centennial Parklands Precinct and approach and departure points);
- Details of wayfinding and signage measures within the confines of the site boundaries, including messaging and announcements, which provide clear directions for patrons to all modes of travel, including walking, light rail, heavy rail/metro, bus, taxi, coach, kiss and ride and rideshare services and include illumination for appropriate use at night. The measures must consider event bump-in and bump-out;
- Evidence of consideration of integrated ticketing and details of implementation across event types;
- Details of emergency services vehicles access and egress;
- Details of a plan for the review and update annually in consultation with the aforementioned stakeholders and is to include an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes;
- Details of real time mitigation measures to mitigate or prevent impacts associated with the operation of the development; and
- Details of performance levels and targets that can measure the success of implementation of the ETTMP.

The EETMP shall be approved by the Coordinator General, Transport Coordination, within Transport for NSW, at least six (6) months prior to the commencement of operation of the Winx Stand. The plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The plan (as reviewed and updated annually) shall be implemented by the Applicant for the life of the development.

Prior to the issue of any Occupation Certificate, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the ETTMP must be submitted to the Certifier and Council.

PEDESTRIAN MANAGEMENT PLAN

E30. A Pedestrian Management Plan (PMP) shall be prepared in consultation with Transport for NSW, NSW Police, Randwick City Council, STA - Sydney Buses, NSW Taxi Council and any other relevant agencies and submitted to and approved by Transport for NSW (RMS) prior to the issue of any Occupation Certificate. The PMP must have regard to the Event Traffic and Transport Management Plan and Travel Plan and should take into consideration pedestrian safety, the operation of the light rail and include a contingency plan should attendance exceed capacity.

A copy of the PMP is to be submitted to the Planning Secretary.

TRAVEL PLAN

E31. Prior to the issue of the first Occupation Certificate, the applicant shall prepare a Travel Plan for staff and patrons of the Winx Stand in consultation with other stakeholders and landowners in the Randwick, Moore Park and Centennial Parklands Precinct. The plan shall be prepared in consultation with the Sydney Coordination Office and Transport Management Centre within TfNSW, NSW Police, Randwick City Council and Centennial Park and Moore Park Trust. The plan is to:

- Align with the broader Moore Park and Randwick Traffic and Transport Management Plan prepared by TfNSW
- Consider the implementation of integrated ticketing by the venue operator and/or event organiser across event types
- Include a mechanism to monitor the effectiveness of the measures of the plan.

The Travel Plan shall be approved by the Coordinator General, Transport Coordination, within Transport for NSW, at least 6 months prior to the commencement of operation of the Winx Stand. The plan shall be reviewed and updated annually in consultation with the aforementioned stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with

timeframes. The plan (as reviewed and updated annually) shall be implemented by the applicant for the life of the development.

Prior to the issue of any Occupation Certificate, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the Travel Plan must be submitted to the Certifier and Council.

PLAN OF MANAGEMENT

E32. ~~Within three months of the date of this consent~~ **Prior to the issue of an Occupation Certificate**, an **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with NSW Police. The **OPM** shall address (but not be limited to):

- (a) hours of operation as permitted in **condition F2**, as well as hours of operation when liquor is proposed to be supplied
- (b) patron numbers for each level and indoor and outdoor areas
- (c) an event log, detailing all race-day and non-race day events, dates, times and patron numbers
- (d) a detailed complaints procedure demonstrating the following:
 - (i) a complaints register showing details of complaints made;
 - (ii) a contact phone number and procedure for investigating complaints;
 - (iii) minimisation and mitigation strategies;
 - (iv) collection of waste and recycling as permitted in **condition E24**; and
 - (v) compliance with the matters outlined in **condition F4** and **F5**.
- (e) a detailed Operational Noise and Vibration Management Plan, as outlined in **condition E33**.

A copy of the approved **OPM** must be submitted to Council.

OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

E33. ~~Within three months of the date of this consent~~ **Prior to the issue of an Occupation Certificate**, an **Operational Noise and Vibration Management Plan (ONVMP)** prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The **ONVMP** must be prepared in consultation with Council and the EPA. The **ONVMP** shall include (but not be limited to):

- (a) be prepared in accordance with the EPA's Noise Policy for Industry;
- (b) identify nearby sensitive receivers and land uses;
- (c) identify the noise limits applying to the development;
- (d) identify all key sources of operational noise and vibration;
- (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration;
- (f) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this approval are not exceeded.

A copy of the approved **ONVMP** must be submitted to Council and the EPA.

SOLAR PANELS

E34. The solar panels must be installed and commissioned prior to the occupancy of the development.

PUBLIC HEALTH, SAFETY AND AMENITY

E35. The design, construction and operation of any food premises including but not limited catering kitchens, cafe, bars food storage rooms and any coffee bar/s must comply with the following general requirements (as applicable):

- a) Floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non-slip and non-abrasive. 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.
- b) Walls of the kitchens and food preparation areas and the like are to be of suitable construction finished in a light colour 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, to provide a smooth even surface.
- c) The 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, sinks, wash hand basins and equipment.
- d) 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 of a light colour or other approved materials.

- e) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material. 'Drop-down' ceiling panels are not to be provided to food preparation and cooking areas.
 - f) 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, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - g) 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.
 - h) Adequate fly screens and doors with self-closing devices, are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
 - i) 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, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
 - j) Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.
 - k) 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.
 - l) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
 - m) Cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
 - n) Any space or gaps between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
- E36. Prior to the issuing of an Occupation Certificate, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- E37. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards.
- E38. Prior to an occupational certificate being issued for the development, a written report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development complies with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent. A copy of the report is to be submitted to Council prior to the issuing any occupational certificate.
- The report should include (but not limited to) the use of all plant and equipment, at all times of the day including the night time period as defined by NSW EPA Industrial Noise Policy. The report should also include but not be limited to the noise generated from all vehicle movements including deliveries, mechanical ventilation, refrigeration compressors and the lift plant and equipment.

TRADE WASTEWATER REQUIREMENTS

- E39. The property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system if the development is going to generate trade wastewater. A Sydney Water approval for this permit must be obtained before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

BACKFLOW PREVENTION REQUIREMENTS

- E40. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>.

CONTINGENCY PLAN RECOMMENDATIONS

- E41. Consider implementing a Contingency Plan for water supply in line with Sydney Water's recommendations. For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

SYDNEY WATER COMPLIANCE

- E42. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to issue of an Occupation Certificate.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

PART F POST OCCUPATION

USE

F1. The principal purpose of the building is recreation facility (major) for race-day events at Randwick Racecourse. The building may be used for ancillary purposes associated with non-race day events, however the principal purpose of the building must always remain recreation facility (major) as defined in the Standard Instrument – Principal Local Environmental Plan and Randwick Local Environmental Plan 2013.

HOURS OF OPERATION

F2. The proposed development is restricted to the following hours of operation outlined in the table below.

Event type	Hours of operation	
Race-day events	<ul style="list-style-type: none"> • Monday to Sunday 10:30 am to 6:45 pm 	
Non-race day events	<ul style="list-style-type: none"> • Indoor amplified events 	<ul style="list-style-type: none"> • Sunday to Thursday and public holidays 7 am to 12 midnight • Friday and Saturday 7 am to 2 am
	<ul style="list-style-type: none"> • Outdoor unamplified events 	<ul style="list-style-type: none"> • Sunday to Thursday 7 am to 10 pm • Friday and Saturday 7 am to 12 midnight
	<ul style="list-style-type: none"> • Outdoor amplified events 	<ul style="list-style-type: none"> • Monday to Sunday 9 am to 10 pm

PLANS OF MANAGEMENT

F3. The **ETTTP**, **TP**, **OPM** and **ONVMP** and all other relevant plans, including the Operational Management Plan prepared by the Australian Turf Club — Royal Randwick Racecourse dated 2019, shall be implemented at all times.

NOISE CONTROL – PLANT AND MACHINERY

- F4. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - (b) exhibit tonal, impulsive or other annoying characteristics;
 - (c) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.

NOISE CONTROL – USE

- F5. Noise emanating from the premises must not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - (b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;
 - (c) the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence; and
 - (d) notwithstanding compliance with (a), (b) and (c) above, all noise associated with the premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 am.

NOISE MONITORING

F6. During the first year following the date of this consent, the Applicant is to undertake periodic noise monitoring to confirm compliance with the noise limits in **condition E33** of this consent. This should be undertaken a minimum of two times, on a Friday or Saturday night between December and February (inclusive) for a duration of one hour at both 8.00 pm and 11.00 pm.

A noise compliance assessment report must be submitted to the Planning Secretary and the EPA within two weeks of the completion of monitoring required under this condition. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- (a) the dates and times the monitoring occurred;
- (b) the activities that were occurring on land administered by the Applicant during the monitoring;
- (c) an assessment of compliance with noise limits presented in **condition E33**; and
- (d) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in **condition E33**.

In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the **ONVMP** required under **condition E33** be updated to include such measures.

If directed by the Planning Secretary at any other time, the Applicant shall undertake noise monitoring to confirm compliance with the noise limits in **condition E33** of this consent.

ODOUR REQUIREMENTS

- F7. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- F8. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

NEIGHBOURHOOD AMENITY

- F9. The management of the premises must ensure:
 - (a) patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered; and
 - (b) that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by the Planning Secretary or Council or the NSW Police, the Management is to employ private security staff to ensure that this condition is complied with.

GREEN STAR RATING

- F10. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum ~~5~~ **4** star Green Star Design & As Built rating. Evidence of the certification must be provided to the Certifier and Planning Secretary.

STORMWATER DETENTION/INFILTRATION SYSTEM

- F11. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

LOADING/UNLOADING

- F12. All loading and unloading operations associated with the site must be carried out:
 - (a) in accordance with the LDMP **condition E27**;
 - (b) within the confines of the site, at all times and must not obstruct other properties/~~units~~ or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

ANNUAL FIRE SAFETY CERTIFICATE

- F13. An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

STORAGE AND HANDLING OF WASTE

- F14. Deliveries and waste collection including emptying glass bottles in bins is to be conducted during the daytime hours only (7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sundays and Public Holidays).
- F15. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

- F16. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F17. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

PUBLIC HEALTH

- F18. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available at all times to check the temperature of food items.
- F19. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60 degrees C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5 degrees C and keep this food cold at or below that temperature.
- F20. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2015, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling — skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

- F21. The food premises 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.
- F22. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, including for the collection of the sharps container by a licensed waste transporter, to the satisfaction of Council.
- F23. All regulated systems such as cooling towers, warm water system shall be designed and constructed in accordance with NSW statutory requirements details of which shall be provided to the certifying authority for approval. The systems shall be registered with Council and be operated and maintained in accordance with the NSW Public Health Act 2010 including amendments that are current and regulation and guidelines at all times.
- F24. Any events involving temporary food premises, the applicant is required to ensure that all temporary food stalls, vendors and mobile food vendors register and obtain relevant approval with Council's Environmental Health Unit prior to event day. Temporary food premises are not permitted to operate without approval. The required Registration Fee must be forwarded to Council with the registration details at least 2 weeks prior to the event.
- F25. All waste shall be handled in accordance with the ATC Winx Stand Development Waste management plan dated October 2019.
- F26. The operation of events and functions shall be carried out in accordance with approved management plans. These plans should be reviewed and amended annually. All amendments should be approved by the appropriate Regulatory Authority.

CCTV FOOTAGE ON PREMISES

- F27. The Licensee must maintain a CCTV system which meets the following minimum requirements:
- (a) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of these cameras must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:

- (i) the person represents not less than 100% of screen height; and
 - (ii) there is an unobstructed view of the person's face.
- (b) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
- (i) all other public entrances and exits, whether or not in use at the time;
 - (ii) staircases;
 - (iii) all portions of the floor area accessible to the public where entertainment is provided;
 - (iv) toilet external entrances;
 - (v) all publicly accessible areas within the premise excluding toilets and accommodation rooms;
 - (vi) the footpath area directly adjacent to the premises; and
 - (vii) courtyard and smoking areas.
- (c) The CCTV recordings of the cameras referred to in sub-condition (b) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
- (i) the person represents not less than 50% of screen height; and
 - (ii) there is an unobstructed view of the person's face.
- (d) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- (e) Camera recordings must meet the standards set in sub-condition (a) and (c) at all times, either by way of camera positioning, camera shades or other environmental factors.
- (f) Recordings must:
- (i) be in digital format;
 - (ii) record at a minimum of 10 frames per second; and
 - (iii) commence one hour prior to opening, and operate continuously until at least one hour after closure.
- (g) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (h) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee must ensure that no person is able to delete or alter any recordings within the 30-day period.
- (i) When the venue is open and trading, at least one person must be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- (j) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, Liquor & Gaming NSW Inspectors or other regulatory officers upon request.
- (k) The CCTV system must be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, Liquor & Gaming NSW Inspectors or other regulatory officers.
- (l) Prior to the commencement of trade each day, the CCTV system must be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable. The Licensee must record this daily checking activity in the incident register book that meets the standards required by the Licensing Police and Council.

COMPLAINTS REGISTER – DISTURBANCE COMPLAINTS AND INCIDENTS

F28. The management of the premises must adhere to the following:

- (a) Must record in a Complaints Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (b) Must respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s must be recorded in the Register.
- (c) Must take all reasonable steps to stop or reduce disturbances to prevent future occurrences to the satisfaction of the Planning Secretary or the NSW Police.
- (d) In the event of an Incident of a serious nature, the manager must contact the Applicant immediately and the Incident must be reported to the NSW Police. For the avoidance of doubt an Incident is of a serious nature

if it involves violence causing injury or requires the intervention of the NSW Police or any emergency service.

- (e) The Complaints Register must have printed page numbers to ensure it is an accurate record of Disturbances and/or Incidents at the Subject Site. The Complaints Register must be kept in a secure place on the Subject Site and a photocopy or electronic backup must be made at the end of each calendar month and the backup must be retained for at least three years.
- (f) If an Incident constitutes a valid complaint, the manager must rectify the situation immediately and take all reasonable steps to stop or reduce the source of the Incident to prevent future occurrences to the satisfaction of the Planning Secretary or the NSW Police.

ADVISORY NOTES

APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN4.

- (g) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- (h) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN5. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

- (i) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- (j) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN7. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

END OF ADVISORY NOTE

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **condition A16** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.