

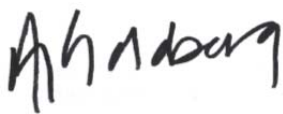
Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, we approve the development application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/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.



Abigail Goldberg (Chair)
Member of the Commission



Annabelle Pegrum
Member of the Commission

Sydney

14 November 2014

SCHEDULE 1

Application No.:	SSD-5002-2011
Applicant:	The Australian Turf Club
Consent Authority:	Minister for Planning
Land:	The Royal Randwick Racecourse, Randwick (Lot and DP: Part Lot 2009 in DP 1169042)
Development:	Hotel development, including: • demolition of the existing amenities block and two stewards towers and partial demolition of the existing boundary fence; • construction of an 8 storey hotel building including: • 170 serviced apartments; • a restaurant and bar with external terrace; • conference and meeting room facilities; • an outdoor swimming pool and terrace; • basement parking; • trackside bar; and • associated infrastructure works, landscaping, conservation works and signage.

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DEFINITIONS

Advisory Notes		Advisory information relating to the consent but do not form a part of this consent
Applicant		The Australian Turf Club, or anyone else entitled to act on this consent
Application		The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA		Building Code of Australia
Construction		Any works, including earth and building works
Council		Randwick City Council
Certifying Authority		Means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day		The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department		Department of Planning and Environment or its successors
Evening		The period from 6pm to 10pm
EIS		Environmental Impact Statement titled prepared by Urbis, dated 27 June 2012.
EPA		Environment Protection Authority, or its successor
The Act		<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	or	<i>Environmental Planning and Assessment Regulation 2000</i>
Regulation		
Minister		Minister for Planning, or nominee
Night		The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PCA		Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS		Response to Submissions report titled 'Royal Randwick Racecourse-Hotel Response to Submissions', prepared by Urbis, dated November 2012 and September 2013
Reasonable	and	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Feasible		
RMS		Roads and Maritime Services Division, Transport for New South Wales or its successor
Secretary		Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, or agreement satisfaction		A written approval from the Secretary (or nominee/delegate) Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Subject Site		The Royal Randwick Racecourse, Randwick

SCHEDULE 2
PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

Except as amended by the conditions of this consent, development consent is granted only to carrying out the development described in Schedule 1.

A2. Development in Accordance with Plans

The applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement, prepared by Urbis, dated 27 June 2012;
- b) Response to Submissions report titled 'Royal Randwick Racecourse- Hotel Response to Submissions', prepared by Urbis, dated November 2012;
- c) Design Addendum report titled 'Royal Randwick Racecourse - Hotel Development', prepared by Urbis, dated September 2013
- d) following drawings, except for:
 - (i) any modifications which are Exempt or Complying Development;
 - (ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer Architects			
Drawing No.	Revision	Name of Plan	Date
A-0050	B	Site Location Plan & Analysis	01.08.13
A-0051	B	Site Plan	01.08.13
A-1000	C	Level B1 Plan	01.08.13
A-1001	C	Ground Level Plan	01.08.13
A-1002	C	Level 1 Plan	01.08.13
A-1003	C	Level 2 Plan	01.08.13
A-1004	B	Level 3 Plan	01.08.13
A-1005	B	Level 4 Plan	01.08.13
A-1006	B	Level 5 Plan	01.08.13
A-1007	B	Level 6 Plan	01.08.13
A-1008	B	Level 7 Plan	01.08.13
A-1009	C	Level 8 Roof Plan	01.08.13
A-1010	B	Roof Plan	01.08.13
A-2000	C	North + East Elevations	01.08.13
A-2001	C	South + West Elevations	01.08.13
A-3001	C	Section B-B	01.08.13
A-3002	C	Section C-C	01.08.13
A-3003	C	Section D-D	01.08.13
A-8000	B	Turnstile Building	01.08.13
A-8001	B	Trackside Bar	01.08.13
A-9000	C	Signage Plan 1	01.08.13
A-9001	D	Signage Plan 2	21.07.14
A-9002	C	Signage Plan 3	21.07.14

A-9500	B	Materials + Finishes	01.08.13
A-9600	A	Perspective 1	01.08.13
A-9601	A	Perspective 2	01.08.13
A-9602	A	Perspective 3	01.08.13
A-9603	A	Perspective 4	01.08.13
A-9604	A	Perspective 5	01.08.13
Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
12017-LA01	F	Planting Plan	29.07.13

A3. Inconsistency between Documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

A4. Section 94A Development Contributions & revised Quantity Survey

The applicant shall submit an amended Quantity Survey report that reflects the approved development, prepared by a Registered Quantity Surveyor. The report shall be submitted to Council for approval, prior to the issue of any Construction Certificate for the development.

In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, 1% of the development cost provided in the acknowledged Quantity Survey must be paid to Council.

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

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

A5. Long Service Levy

For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

A6. Prescribed Conditions

The applicant shall comply with the prescribed conditions of this consent under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A7. Limits of this consent

This consent will lapse five years from the date of this consent unless the building works associated with the application have physically commenced.

End of Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia* (BCA).

B2. Design Modifications

Prior to the issue of a Construction Certificate, plans and specifications demonstrating compliance with the following shall be submitted to the Secretary:

- a) further details of the ground floor layout, confirming the visual connections between the kitchen, street and dining space; and
- b) all columns within the undercroft shall have a finish that is off white in colour or similar.

B3. Acoustic

Prior to the issue of a Construction Certificate, a Noise Impact Assessment shall be submitted to the Secretary providing an assessment and details of any mitigation measures necessary to minimise the potential noise impacts of the approved CBD and South East light rail project and Alison Road corridor on the hotel in accordance with the NSW Industrial Noise Policy. The recommendations of the Noise Impact Assessment shall be adopted into the development to ensure the amenity of future hotel patrons.

Details shall be submitted to and approved by the Secretary prior to the issue of a Construction Certificate.

B4. Landscaping

Prior to the issue of a Construction Certificate, a revised landscape plan prepared by a qualified arborist, including an updated tree management plan, shall be submitted to and approved by the Secretary. The plan and documentation shall show retention and relocation of the heritage significant Fig tree L45 on site (as nearby the current location as practicable) and provide details of the transplant methodology. The tree management plan shall provide for a qualified arborist to monitor the health of this tree for a minimum of 5 years from date of relocation.

The size of additional Figs to be brought onto the site is required to be specified and be of mature (super advanced) size to ensure the landscaping character is retained on site. The tree management plan shall include details for future management of these Fig trees.

B5. Solar Reflectivity

Prior to the issue of a Construction Certificate, written evidence from a suitably qualified consultant shall be submitted to the Certifying Authority confirming the amended design approved in Condition B2 is able to achieve 17% or less external reflectivity of the glass.

B6. Heritage

Prior to the issue of a Construction Certificate, details of the schedule of conservation works to the Turnstile building and the revised landscaped plan required in Condition B4 shall be submitted to the Secretary for review and endorsement in consultation with NSW Heritage Council.

B7. Internal Traffic Management

Prior to the issue of a Construction Certificate, details of measures in place to mitigate and improve the efficiency of vehicles exiting the driveway of the hotel shall be referred to the RMS for review and comment. Any comments shall be appropriately reviewed and adopted for the development.

B8. Light Rail

The hotel development and associated infrastructure shall not encroach on or affect the approved CBD and South East Light Rail corridor and adjacent shared footpath/cyclepath as determined by Transport for NSW or its agents.

B9. Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, 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 satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B10. Design of Food Premises

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B11. Installation of Dual Flush Toilets

All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

B12. Installation of Water Efficient Urinals

Urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

B13. Internal Lighting System

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 and approved by the Certifying Authority prior to a Construction Certificate being issued.

B14. Porte Cochere

The sightlines between motorists and other manoeuvring vehicles within the development must be maximised through modification of landscaping, retaining walls or other devices where appropriate. Motorists (guests or valets) leaving the porte-cochere and entering the underground parking must have suitable sight distance to vehicles emerging from the underground parking. The Construction Certificate plans must maximise sight lines for safe vehicular access and operational reasons.

B15. Driveway

The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the Construction Certificate.

B16. Contamination

Prior to the issue of a Construction Certificate, a Phase 2 contamination assessment shall be undertaken in accordance with the recommendations of the Douglas and Partners Phase 1 contamination assessment submitted with the EIS. Should the Phase 2 contamination assessment identify the presence of contaminants, a Remediation Action Plan or Environmental Management Plan shall be developed and implemented, followed by suitable validation or management by a qualified environmental consultant.

Confirmation that the site is suitable for the approved development following remediation or environmental management is required. All recommendations of the Phase 2 contamination assessment shall be adhered to during all phases of the development.

B17. Pathway

The applicant must make provision for a localised widening of the shared path behind the existing bus shelter adjacent to proposed development as per that indicated on the Ground floor (Plan No. A1001 dated 01.08.13) between the podium retaining wall and the rear of the existing bus stop by providing a hard pavement surface in this location. This condition is required because the proposal will generate an increase in use of the nearby bus stop (for services to the City / Central) and the increased congregation of bus passengers on this path creates potential conflict with the cycle link shared path access to the University of NSW. The Construction Certificate plans must show the localised widening and the widening must be in place prior to the issuing of an Occupation Certificate. All costs associated with the widening are to be met by the applicant.

B18. Design Alignment levels

The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to the issuing of a Construction Certificate.

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0924.

B19. Flood Management and Design

- a) The applicant must engage a suitably qualified hydraulic engineer to establish the critical 1% AEP (1 in 100 year) flood level for the development site. The floor level of all habitable, retail, commercial and storage areas (excluding those in the basement carpark) shall be at a minimum of 500mm above the critical 1% (1 in 100 year) flood level or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the Construction Certificate documentation.
- b) The proposed access ramp to the basement carpark shall be designed with a high point at least 500 mm above the critical 1% AEP (1 in 100 year) flood level. Details demonstrating compliance with this condition are to be included in the Construction Certificate documentation.
- c) Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the Construction Certificate documentation.
- d) The applicant's hydraulic consultant responsible for the necessary modelling to establish the critical 1%AEP level must certify that any variations to the 1% AEP flood levels within or adjacent to the proposed development as a result of the proposed works are negligible, (ideally less than 0.01metres).
- e) The ground floor level shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the Certifying Authority with the construction certificate. This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

B20. Stormwater Design

Stormwater drainage plans have not been approved as part of this development consent.

Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a Construction Certificate being issued, if the Council is not the Certifying Authority. The drawings and details shall include the following information:

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

B21. Drainage Infrastructure Works

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

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

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

B22. Stormwater Drainage Design

The site stormwater drainage system is to be provided in accordance with the following requirements:

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the Certifying Authority and details are to be included in the Construction Certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the drainage system in Alison Road; or
 - ii. To the existing stormwater drainage system within the Royal Randwick Racecourse.
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does

not exceed that which would occur during a 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, to the satisfaction of the Certifying Authority.

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.

- d) 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.

- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- f) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

- g) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).

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

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

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

- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):

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

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

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

- m) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.

- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

B23. Ground Water Affection

A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development, prior to issuing a Construction Certificate, to the satisfaction of the Certifying Authority.

The report must confirm whether or not the site is or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater.

B24. Groundwater Report

Where the site is affected by groundwater or fluctuating water table (including during the course of construction), a report must be submitted to and approved by the Certifying Authority, with the Construction Certificate, detailing the proposed methods of excavation, managing groundwater and dewatering the site.

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

- Details of compliance with relevant approvals and licences (eg. Conditions of consent and Water Licence from Department of Water & Energy).
- The proposed method of shoring/piling and dewatering.
- Details of the proposed connection and or disposal of groundwater or construction site stormwater to Council's drainage system.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- The program to monitor fluctuations of the water table during dewatering/ construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements and approvals of the Department of Environment & Climate Change, Council and the *Protection of the Environment Operations Act 1997*, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

A copy of the reports, certification and details of compliance with the conditions of consent and dewatering requirements must be provided to the Principal Certifying Authority and a copy must be forwarded to the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent. Details of compliance must be provided to the satisfaction of the Principal Certifying Authority and a copy must be forwarded to Council.

B25. Stormwater Design

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

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

B26. Landscaping & Environmental amenity:

Detailed landscape drawings and specifications are to be consistent with the revised landscape plan to be approved by the Secretary as required in Condition B4. The landscaping drawings and specifications must be submitted to and approved by the Certifying Authority with the Construction Certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is a member of the Australian Institute of Landscape Architects (AILA). If Council is not the Certifying Authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the Construction Certificate. The landscaping plans/specifications are required to include the following components:

- a) A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed); existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.
- b) The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- c) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- d) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

- e) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
- f) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- g) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.
Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a Construction Certificate.
- h) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- i) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.
- j) All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant Construction certificate and landscape plans.

B27. Access for People with Disabilities

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

End of Section

PART C – PRIOR TO CONSTRUCTION

C1. Security Deposit

The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$10,000.00 - Damage / Civil Works Security Deposit

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

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

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

C2. Traffic Works

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the local traffic committee prior to any work commencing on site.

C3. Swept Paths

The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the subject site shall be in accordance with AUSTROADS.

C4. Vehicular Access

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004 and AS2890.2:2002. The Construction Certificate plans must demonstrate compliance with these requirements.

C5. Agency Requirements

The construction certificate plans must demonstrate full compliance with all RMS, STA, NSW Transport, requirements and/or conditions of consent.

C6. Associated Roadway Costs

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the Council's "Development Specification for Civil Works Design and Construction".

C7. Demolition

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall 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 satisfaction of the Certifying Authority prior to the commencement of works.

C8. Excavation Works

The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

C9. Structural Details

Prior to the commencement of construction, the applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- a) the relevant clauses of the BCA,
- b) the development consent, and
- c) drawings and specifications comprising the Construction Certificate.

C10. Construction Environmental Management Plan

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
 - i. hours of work;
 - ii. 24 hour contact details of site manager;
 - iii. traffic management;
 - iv. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
 - v. erosion and sediment control;
 - vi. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - vii. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - viii. flora and fauna management.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The applicant shall submit a copy of the CEMP to the Secretary and to the Council, prior to commencement of work.

C11. Construction Traffic Management

A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to commencement of any site work. The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council and RMS:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Details of any required Works Zones, (Note: Works Zones require the approval of the Randwick Traffic Committee)
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

C12. Waste Management Plan during construction

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i. Recycling of demolition materials including concrete; and
 - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The applicant shall submit a copy of the Plan to the Secretary and to the Council, prior to commencement of work.

C13. Public Utilities

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

Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

C14. Electricity Substation

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

C15. Stormwater Drainage & Flood Management

Discharged stormwater from the development shall not exceed the capacity of the Alison Road stormwater drainage system. Should the development result in any changes to the Alison Road stormwater drainage system, detailed design plans and hydraulic calculations are to be submitted to the RMS for approval, prior to commencement of any works. Details to be forwarded to:

Sydney Asset Management
Roads & Maritime Services
PO Box 973
Parramatta CBD NSW 2124

A Plan checking fee will be payable and a performance bond may be required before the RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 88492114 or Fax: 8849 2766.

C16. Tree Relocation

Prior to the commencement of demolition works, the heritage significant Fig tree L45 on site shall be relocated as per the approved Landscape Plan in Condition B4 and be undertaken in accordance with the approved transplant methodology. These works shall be undertaken under the supervision and guidance of a qualified arborist.

C17. Tree Management

All existing trees designated for retention must be protected in accordance with the revised landscape plan and updated tree management plan to be approved by the Secretary as required in Condition B4. A detailed tree management plan must be submitted to the Certifying Authority prior to the commencement of any works in the vicinity of the subject trees. The tree management plan shall include:

- a requirement for a qualified arborist to monitor the health of the L45 tree for a minimum of 5 years from date of relocation; and
- details for future management of the Fig trees to be brought on to the site.

Approval is granted for removal of Tree 43 as documented in the Arborists Report by Tony Lydon of TLC Tree Solutions, May 2012. Requests for the removal (or pruning) of any of the remaining trees on the site are subject to separate application under Clause 5.9 Preservation of trees or vegetation in Randwick Local Environmental Plan 2012 (RLEP 2012).

C18. Street Tree Protection Specifications

- a) The consent from Council must be obtained prior to the removal of any street tree.
- b) Before the commencement of works, the Tree Protection Zones (TPZ) must be established around all street trees, in accordance with the following tree protection measures;
- c) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF3) and include;
- d) Tree trunk and/or major branches located within 0.5 metres of any hoarding or scaffolding structure, shall be protected by wrapped hessian or similar material to limit damage, and
- e) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. planks shall be spaced at 100mm intervals, and fixed against the trunk with tie wire, or strapping. The trunk protection shall not be fixed to the tree in any instance, or in any fashion.
- f) The protective wrapping is to remain in place for the duration of the development works, and shall be removed at the completion of the project.
- g) The pressure points for the feet of all hoardings must not to be located within one (1) metre of the base of any tree to be retained.
- h) The consent from Council is to be obtained prior to any pruning works being undertaken on the street tree. **Only minor pruning works will be approved.** Any pruning required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, shall be carried out by a certified qualified tree surgeon/arborist (AQF3), and conform to the provisions of AS4373-2007 'Pruning of Amenity Trees'.
- i) Any damage sustained to the street tree as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, is to be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, to determine the appropriate response for maintaining the health and structural integrity of the tree.
- j) Should any damage occur to Council's street trees and not be rectified by the applicant to a satisfactory standard, as directed by Council's Street Tree Coordinator, Council will undertake the necessary works, which may include the full replacement of the tree. All associated costs will be recovered using the security deposit that is to be lodged with Council. Damage to the street tree may also result in a prosecution being sought under Sections 626 and 629 of the Local Government Act for an offence where such damage occurred willfully or negligently. Significant penalties can be imposed for such offences.

End of Section

PART D – DURING CONSTRUCTION

D1. Construction Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	- Monday to Friday - 7.00am to 5.00pm - Saturday - 8.00am to 5.00pm - Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	- Monday to Friday - 8.00am to 5.00pm - Saturday - No work permitted - Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	- Monday to Saturday - No time limits (subject to column 1) - Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

D2. Road/Asset Opening Permit

Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- Council's *Road / Asset Opening Officer* must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final *Occupation Certificate* or occupation of the development (whichever is sooner).
- Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.

- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

D3. Roadway

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

D4. Traffic Management

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.

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.

D5. Stormwater Drainage

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

D6. Dewatering

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

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

D7. Groundwater Discharge

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.

D8. Ground Water

Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- a) Groundwater and sub-soil drainage must not be connected or discharged to the stormwater detention tank or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
- b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
- d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the Certifying Authority, **prior to issuing the Construction Certificate.**

D9. Geotechnical

The recommendations of the geotechnical investigation report prepared by Douglas Partners shall be adhered to at all times of construction.

D10. Solar Reflectivity

A suitably qualified consultant shall be engaged during construction of the hotel to ensure solar reflectivity of the building is appropriately considered in the materials and construction of the hotel.

D11. Road Closures

Any temporary lane or shoulder closure on Alison Road for construction purposes requires a Road Occupancy License from the Transport Management Centre (TMC). For further information, please contact the TMC on 8396 1513.

D12. Road Work Costs

All road work/regulatory signposting associated with the development shall be at no cost to RMS and TfNSW, unless otherwise agreed.

D13. Aboriginal Heritage

The recommendations of the aboriginal Heritage and Historical Archaeology Assessment report submitted with the EIS shall be adhered to at all times of the construction of the development.

D14. Heritage

The Turnstile Building, heritage gates and Port Jackson Fig Trees L41 and L42 and relocated L45 shall be adequately protected during the construction works to mitigate any impacts.

D15. Sydney Water

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

D16. Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

D17. Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Secretary, Council or the Certifying Authority.

D18. Site Notice

- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i. Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii. The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii. 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 are to be displayed on the site notice; and
 - iv. The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

D19. Construction Noise Management

- a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute)) so it does not exceed the background L_{A90} noise level by:
 - i. For the first four weeks of the construction period, not more than 20dB(A);
 - ii. From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - iii. For construction periods greater than 26 weeks, not more than 5dB(A).
- b) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- c) Any activities that have the potential for noise emissions that exceed levels included in part a), must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by Council.
- d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- e) The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - i. 9.00 am to 12.00 pm, Monday to Friday;
 - ii. 2.00 pm to 5.00 pm Monday to Friday; and
 - iii. 9.00 am to 12.00 pm, Saturday
- f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by Council.
- g) 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.

D20. Vibration Criteria

Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

D21. Hazardous and Industrial Waste

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J).*
- f) *Construction Work Involving Asbestos or Asbestos Cement 1983).*
- g) *The Occupational Health & Safety Regulation 2001.*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

D22. Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

D23. Notification of Asbestos Removal

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

D24. Skips and Bins

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

D25. Covering of Loads

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

D26. Vehicle Cleansing

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.

D27. Protection of Street Trees During Construction

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Clause 5.9 Preservation of trees or vegetation in RLEP 2012. Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

D28. Loading and Unloading During Construction

The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and

certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

D29. Use of Mobile Cranes

The following requirements apply:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

End of Section

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

E1. Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Secretary and Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

E2. NABERS Rating

Prior to the issue of an Occupation Certificate, an energy model of the hotel development simulating consumption that achieves a minimum 4.5 Star Nabers rating is required.

E3. Solar Reflectivity

Prior to the issue of an Occupation Certificate, written evidence from a suitably qualified consultant shall be submitted to the Certifying Authority confirming the final development, particularly the northern façade facing Alison Road, achieves 17% or less external reflectivity of the glass. The consultant shall also confirm solar reflectivity will not unacceptably impact on road users.

E4. Parking Management Plan

Prior to the issuing of an Occupation Certificate a detailed Parking Management Plan must be submitted to and approved by Council. The Parking Management Plan must fully document use of the nearby Bus-Way area parking spaces (outside major event times) and the additional overflow parking area. The plan must indicate what signage will be utilised and what events / occurrences will trigger the allocation of hotel staff resources dedicated for the sole purpose of parking and traffic control. This Plan must include a provision for a quarterly report to the Council informing all details of the use of the overflow parking (dates, times, no. vehicles etc). Also, depending on the observed, measured and reported impacts of the Plan, the Council may alter the conditions applying to the Parking Management Plan.

E5. Transport Access Guide

Transport Access Guides (TAGs) for specific events such as Major Race Days must be developed for the hotel. The TAGs must be prepared in accordance with the RMS's Guide to Producing and Using Transport Access Guides and other guidelines/standards considered best practice. The TAGs must demonstrate that direct access to the racecourse for large truck combinations associated with major events, can still be provided without compromising safety or traffic flow on roads and streets (especially residential streets) alongside the racecourse.

E6. Vehicular Crossings & Road Openings

The owner/developer must meet the full cost for Council or a Council approved contractor to:

- a) Reconstruct the existing concrete vehicular crossing in Alison Road as/if required to accommodate the revised traffic conditions generated by the proposed development.
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

E7. Council's Infrastructure

Prior to issuing a final Occupation Certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

E8. External Civil Works

All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.

- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an Occupation Certificate being issued for the development, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

E9. Sydney Water Requirements

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an Occupation Certificate.

E10. Stormwater Drainage

A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that any onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

E11. Works as Executed Drainage

A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

The applicant shall submit to the Certifying Authority and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard

AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the Certifying Authority.

The applicant shall submit to the Certifying Authority and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

E12. Landscaping

The landscaping shall be installed in accordance with the approved plans and specifications as per Condition B4 prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Certifying Authority and Council, if Council is not the Certifying Authority prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the Certifying Authority.

E13. Waste Management

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 Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

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

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

E14. Acoustic Certification

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified practicing acoustic engineer must be provided to the Secretary that the development complies with Clause 102 of *State Environmental Planning Policy (Infrastructure)* 2007 and the Noise Impact Assessment approved as part of Condition B3.

E15. Mechanical Ventilation

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 Building Code of Australia;
- 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.

E16. Fire Safety Certificate to be Submitted

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

E17. Installation of Water Efficient Taps

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

E18. Plan of Management

A plan of management shall be submitted, prior to issue of any Occupation Certificate. The Plan shall be formulated in consultation with Council and NSW Police and shall be to the satisfaction of NSW police and Council. A copy shall be submitted to the Secretary, prior to the issue of any Occupation Certificate. The Plan shall address Management of the premises and detail the measures being implemented to:

- ensure compliance with the relevant conditions of approval,
- ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
- minimise the potential environmental and amenity impacts upon nearby residents,
- effectively minimise and manage anti-social behaviour,
- effectively
- manage and respond to resident complaints,
- ensure responsible service of alcohol and harm minimisation,
- provision of adequate security and surveillance,
- ensure that the maximum number of patrons does not exceed the authorised capacity, in accordance with Council's consent.

End of Section

PART F– DURING OPERATIONS

F1. Capacity

The maximum number of patrons within the premises must not exceed 4236 persons, at any time and a sign detailing the maximum number of patrons permitted must be provided in a conspicuous position (e.g. near the building entrance), to Council's satisfaction.

F2. Hours of operation

The hours of the operation of the hotel restaurant and bar uses are restricted to:

- Monday to Saturday, inclusive from: 06.00am to 12.00 midnight; and
- Sunday from 6.00am to 10.00pm.

The hours of the operation of the outdoor swimming pool and bar area, and the trackside bar/café/restaurant:

- Sundays to Thursday 6:00am to 10:00pm; and
- Fridays to Saturdays 6:00am to 11:00pm.

F3. Noise levels

Noise on site shall not exceed the NSW Office of Liquor, Gaming and Racing noise criteria as referenced by the Acoustic Assessment prepared by ARUP dated 15 November 2013 approved with MP10_0097 MOD 2.

F4. Complaints management

The applicant must ensure the following facilities are available to handle community complaints:

- a) A direct telephone number for the hotel, which is publicised and answered by an onsite manager during operating hours.
- b) A postal address to which complaints may be sent; and
- c) An email address to which electronic complaints may be registered.

The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

The applicant shall record all details of all complaints received through the means listed above in an up to date Complaints Register. The Register must record, but not necessarily be limited to:

- a) The date and time, where relevant, of the complaint.
- b) The means by which the complaint was made (telephone, mail or email).
- c) Any personal details of the complainant that were provided.
- d) The nature of the complaint.
- e) Any actions taken up by the applicant in relation to the complaint, including any follow-up contact, and
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection by the Secretary, Randwick Council and NSW Police upon request.

F5. Stormwater Detention/Infiltration System

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

F6. All signage

The illumination of signage shall not result in any unacceptable glare that may effect the safety of road user.

F7. Freestanding Advertising Signage

The freestanding advertising sign at the entry to the site shall be for promotion of RRR events only and no third party advertising is allowed.

F8. NABERS Rating

Within 24 months of operation, documentary evidence of the hotel development achieving a minimum 4.5 Star Nabers rating is required to be submitted to the Secretary.

F9. Noise- Mechanical Plant and Equipment

Noise associated with the use of mechanical plant and equipment 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 affected receiver.
- b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise.

F10. Air Conditioners

The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

F11. Annual Fire Safety Certification

The owner of the building shall certify to the council every year 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. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F12. Compliance with Food Code

The applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The applicant shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation of the building(s) or commencement of the use.

F13. External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

End of Section

ADVISORY NOTES

- Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.
- Consultation with NSW Police shall be undertaken for any liquor license applied for the site.