

# Consolidated Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions 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

Sydney

2020

File: EF18/44570

***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.***

### SCHEDULE 1

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number: | SSD 9649                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Applicant:          | Blue Sky Commercial Asset Management Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Consent Authority:  | The Independent Planning Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Site:               | 4-8, 10, 12, 14, 16 and 18 Doncaster Avenue, Kensington<br>[Lots 2 & 3 Section 30 DP 5549, Lot 1 DP 1094702, Lot 1 DP 974821, Lot 1 DP 981704, Lot 1 DP 1033442, Lots 51 & 53 DP 20905, Lots 52A & 52B DP 400051]                                                                                                                                                                                                                                                                                                      |
| Development:        | <p>Student accommodation development comprising excavation of basement and construction of a 3 storey building and extension and adaptive reuse of 10-12 Doncaster Avenue including:</p> <ul style="list-style-type: none"><li>• 259 student accommodation beds within 201 student units</li><li>• student amenities, communal open space and landscaping</li><li>• 56 car, 55 motorcycle and 178 bicycle parking spaces</li><li>• realignment of concrete stormwater channel and provision of a substation.</li></ul> |

| Modification Key  |               |                |                                                                                        |
|-------------------|---------------|----------------|----------------------------------------------------------------------------------------|
| Name              | Date Approved | Decider        | Modification description                                                               |
| SSD 9649<br>MOD 1 | 23 July 2021  | Team<br>Leader | internal modifications in the basement and relocation of the On<br>Site Detention tank |

FOR INFORMATION

## DEFINITIONS

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Advisory Notes</b>             | Advisory information relating to the consent but do not form a part of this consent                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Accredited Certifier</b>       | 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.                                                                                                                                                                                                                                                                                                                                  |
| <b>Applicant</b>                  | Blue Sky Commercial Asset Management Pty Ltd, or any person carrying out any development to which this consent applies                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>BCA</b>                        | Building Code of Australia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>BC Act</b>                     | <i>Biodiversity Conservation Act 2016</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Certifier</b>                  | Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work                                                                                                                                                                                                                                                                                                                                                                |
| <b>Conditions of this consent</b> | Conditions contained in Schedule 2 of this document                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Construction</b>               | 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.                                                                                                                                                                                                                                                                                         |
| <b>Council</b>                    | Randwick City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Day</b>                        | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Department</b>                 | NSW Department of Planning, Industry and Environment                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Development</b>                | The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EIS</b>                        | The Environmental Impact Statement titled <i>Environmental Impact Statement Student Accommodation 4-18 Doncaster Avenue, Kensington</i> , prepared by Urbis Pty Ltd, dated January 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application                                                                                                                                                            |
| <b>ENM</b>                        | Excavated Natural Material                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Environment</b>                | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings                                                                                                                                                                                                                                                                                                                                                                               |
| <b>EPA</b>                        | NSW Environment Protection Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>EP&amp;A Act</b>               | <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>EP&amp;A Regulation</b>        | <i>Environmental Planning and Assessment Regulation 2000</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Evening</b>                    | The period from 6 pm to 10 pm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Feasible</b>                   | Means what is possible and practical in the circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Incident</b>                   | 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<br>Note: "material harm" is defined in this consent                                                                                                                                                                                                                                                                                                                  |
| <b>Land</b>                       | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Material harm</b>              | Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>• 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)</li> </ul> |
| <b>Minister</b>                   | NSW Minister for Planning and Public Spaces (or delegate)                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Night</b>                      | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Non-compliance</b>             | An occurrence, set of circumstances or development that is a breach of this consent                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                |                                                                                                                                                                                                                   |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OEH</b>                     | NSW Office of Environment and Heritage                                                                                                                                                                            |
| <b>Operation</b>               | The use of student accommodation upon completion of construction.                                                                                                                                                 |
| <b>PA</b>                      | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.                                                                                                                         |
| <b>Planning Secretary</b>      | Planning Secretary under the EP&A Act, or nominee                                                                                                                                                                 |
| <b>POEO Act</b>                | <i>Protection of the Environment Operations Act 1997</i>                                                                                                                                                          |
| <b>Reasonable</b>              | 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. |
| <b>Response to submissions</b> | 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.                                                              |
| <b>RRFI</b>                    | The Applicant's response to the Department's request for future information and appendices titled <i>Response to Request for Information / SSD 9649</i> , prepared by Urbis Pty Ltd and dated 4 October 2019.     |
| <b>RtS</b>                     | The Response to Submissions report and appendices titled <i>Doncaster Avenue Student Accommodation (SSD-9649) – Response to Submissions</i> , prepared by Urbis Pty Ltd and dated 11 June 2019.                   |
| <b>RMS</b>                     | TfNSW Roads and Maritime Services                                                                                                                                                                                 |
| <b>SRRFI</b>                   | Supplementary Response to Request for Further Information, prepared by Urbis Pty Ltd, dated 3 March 2020                                                                                                          |
| <b>SSD</b>                     | State significant development                                                                                                                                                                                     |
| <b>Subject site / site</b>     | Land referred to in Schedule 1                                                                                                                                                                                    |
| <b>TfNSW</b>                   | Transport for NSW                                                                                                                                                                                                 |

## 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, RRFI and SRRFI
  - (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) generally in accordance with the following modification applications:
    - (i) Section 4.55(1A) modification application (SSD 9649 MOD 1) prepared by Urbis dated 5 November 2020, Additional Information prepared by Urbis dated 9 February 2021 and Additional Information dated prepared by Hayball dated 25 February 2021 and Botanics Tree Wise People Pty Ltd dated 23 April 2021

| Architectural drawings prepared by Hayball |     |                                           |            |
|--------------------------------------------|-----|-------------------------------------------|------------|
| Drawing No.                                | Rev | Name of drawing                           | Date       |
| TP01.02                                    | 4   | PROPOSED SITE PLAN                        | 04/10/2019 |
| TP02.01                                    | 12  | BASEMENT PLAN                             | 25/02/2021 |
| TP02.02                                    | 7   | GROUND FLOOR PLAN                         | 04/10/2019 |
| TP02.03                                    | 6   | LEVEL 1 PLAN                              | 04/10/2019 |
| TP02.04                                    | 6   | LEVEL 2 PLAN                              | 04/10/2019 |
| TP02.05                                    | 6   | ROOF PLAN                                 | 04/10/2019 |
| TP02.06                                    | 5   | GROUND – FLOODWATER CHANNEL LOCATIONS     | 04/10/2019 |
| TP03.01                                    | 5   | ELEVATIONS                                | 04/10/2019 |
| TP03.02                                    | 5   | PART ELEVATIONS                           | 04/10/2019 |
| TP03.03                                    | 4   | FLOODWATER CHANNEL LOCATIONS              | 04/10/2019 |
| TP04.01                                    | 5   | SECTION A&C                               | 04/10/2019 |
| TP04.02                                    | 5   | SECTION B, D, E                           | 04/10/2019 |
| TP05.01                                    | 4   | DEMOLITION FLOOR PLAN-10&12 DONCASTER AVE | 04/10/2019 |
| TP05.02                                    | 4   | DETAIL FLOOR PLANS-10&12 DONCASTER AVE    | 04/10/2019 |
| TP05.03                                    | 4   | WEST ELEVATION-10&12 DONCASTER AVE        | 04/10/2019 |
| TP05.04                                    | 4   | SOUTH ELEVATION-10&12 DONCASTER AVE       | 04/10/2019 |
| TP05.05                                    | 4   | EAST ELEVATION-10&12 DONCASTER AVE        | 04/10/2019 |
| TP05.06                                    | 4   | NORTH ELEVATION-10&12 DONCASTER AVE       | 04/10/2019 |
| TP06.01                                    | 5   | AREA PLANS GFA                            | 09/01/2020 |
| TP07.01                                    | 3   | ROOM TYPES                                | 04/10/2019 |
| TP07.02                                    | 3   | ROOM TYPES                                | 04/10/2019 |
| TP07.03                                    | 3   | ROOM TYPES                                | 04/10/2019 |
| TP07.04                                    | 3   | ROOM TYPES                                | 04/10/2019 |
| TP07.05                                    | 3   | ROOM TYPES                                | 09/01/2020 |

| TP08.07                                                                | 1          | FAÇADE DESIGN                  | 04/10/2019  |
|------------------------------------------------------------------------|------------|--------------------------------|-------------|
| Unnumbered                                                             | X          | Development Summary            | 09.01.2020  |
| <b>Landscape drawings prepared by 360 Degrees Landscape Architects</b> |            |                                |             |
| <b>Drawing No.</b>                                                     | <b>Rev</b> | <b>Name of drawing</b>         | <b>Date</b> |
| L-DA-01                                                                | G          | Cover Page                     | 04.10.19    |
| L-DA-02                                                                | G          | Introduction                   | 04.10.19    |
| L-DA-03                                                                | G          | Existing Trees                 | 04.10.19    |
| L-DA-04                                                                | G          | Landscape Plan                 | 04.10.19    |
| L-DA-05                                                                | G          | Landscape Sectional Elevations | 04.10.19    |
| L-DA-06                                                                | C          | Planting                       | 04.10.19    |
| L-DA-07                                                                | C          | Planting                       | 04.10.19    |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- 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.

#### **Surrender of Existing Consents or Approvals**

- A5. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent DA/931/2015 dated 11 October 2016 for residential development comprising 50 dwellings in accordance with the EP&A Regulation.
- A6. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A5, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

**Note:** *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

#### **Evidence of Consultation**

- A7. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **Structural Adequacy**

- A8. 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

- A9. 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

- A10. 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.
- A11. 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

- A12. 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

- A13. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.
- A14. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## Non-Compliance Notification

- A15. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A16. 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.
- A17. 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

- A18. Within three months of:
- (a) the submission of a compliance report under condition C19 and C21;
  - (b) the submission of an incident report under condition A13;
  - (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,
- A19. 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.
- A20. 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.

## Restrictions on Use – Student Accommodation

- A21. Residents accommodated within the student accommodation facility during the university semester periods must be students that are enrolled at a tertiary education facility (TEF), staff employed by a TEF and/or other persons affiliated or connected with a TEF (which may include visiting academics or students).

- A22. Residents accommodated within the student accommodation facility outside the TEF semester periods must either meet the criteria in **Condition A21** or be attending, or affiliated with, TEF events or activities.
- A23. The maximum number of permissible student beds provided within the student accommodation building is 259.

#### Limits on Consent

- A24. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A25. This consent does not approve the installation of signage. Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

#### Subdivision

- A26. No strata subdivision of the building will be permitted.

#### Development Contributions

- A27. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$24,076,420 the following applicable monetary levy must be paid to Council: \$240,764.20. 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](http://www.randwick.nsw.gov.au).

#### Long Service Levy

- A28. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

#### Security Deposits

- A29. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979*:

- \$20000.00 - 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 issue of an occupation certificate or completion of the civil works.

#### Archaeology – Aboriginal Heritage Impact Permit (AHIP)

- A30. The Applicant shall ensure the construction and operation of the development at all times complies with the conditions regarding conservation and archaeological works contained within the AHIP (ref: COOO3723) issued for the site under the *National Parks and Wildlife Act 1974* and dated 22 June 2018.

#### TfNSW Conditions

- A31. The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor.
- A32. The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines.
- A33. Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator.
- A34. The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion.
- A35. The relocation of any TfNSW services or infrastructure is to be at the applicant's cost and to TfNSW Requirements and Standards.
- A36. All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW/Roads and Maritime Services.
- A37. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- A38. All TfNSW, Altrac and Sydney Light Rail operator's costs associated with review of plans, designs and legal must be borne by the applicant.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Amendments to the Development Layout and Design Requiring Approval

- B1. Prior to issue of a Construction Certificate, the proposal shall be amended and plans / elevations / landscaping drawings and documents shall be submitted to the Planning Secretary for approval showing:
- (a) the redesign of the student accommodation layout so that no individual student room within the new development (i.e. excluding 10-12 Doncaster Avenue) exceeds 25 m<sup>2</sup> in area (excluding private kitchens and bathrooms). The revised student accommodation layout shall not result in any reduction in the size/quantum of indoor or outdoor student amenities or an increase in the total number of student units/beds.
  - (b) the relocation (and redesign as necessary) of the substation to within the ground floor of the new building (i.e. excluding 10-12 Doncaster Avenue), or an alternative design option that reduces the visual impact of the substation on Doncaster Avenue. The amended substation design/location shall be prepared in consultation with Ausgrid.
  - (c) the amendment of the vehicular crossing and driveway connecting Doncaster Avenue to the entrance to the basement carpark to accommodate a vehicle waiting bay or alternative design that would allow for two vehicles to safely pass each other (side-by-side) in association with the operation of the signalised traffic management system.
  - (d) the redesign of the ground floor layout to include at least one additional unisex toilet (and associated facilities) for communal use by the occupants of the development (and their guests). The toilet shall be conveniently located to the communal areas. The provision of the toilet facilities shall not result in the reduction in the size/quantum of student amenities/facilities.
  - (e) that ESD is being achieved by achieving a minimum 4 star Green Star rating in accordance with the Green Star Design and As-Built V.1 tool in accordance with the Green Star Design and As-Built V.1 tool (Green Building Council Australia).

### Amendments to the Landscaping Requiring Approval

- B1A. Prior to issue of a Construction Certificate, amended landscaping drawings shall be submitted to the Certifier for approval showing the:
- (a) redesign of the approved communal courtyard sunken lawn and associated ramp and seating areas generally in accordance with Drawing No L-1001 Materials & Finishes Plan Revision E prepared by 360 Degrees Landscape Architects dated 27 May 2021
  - (b) the communal courtyard sunken lawn landscaped with natural grass.

Note: No other changes to the landscaping plan are approved by this consent other than those directly related to the communal courtyard lawn and associated ramp/seating areas as shown on the above plan.

### 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.

### Structural Details

- B5. Prior to the issue 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.

### Site Stability, Excavation and Construction work

- B6. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifier for the development:

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

### **Alignment**

- B7. The design alignment level (the finished level of concrete, paving or the like) at the Doncaster Avenue property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage. 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 90936924.
- B8. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$5957.00 calculated at \$56.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
- B9. 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.
- B10. The height of the building must not be increased to satisfy the required driveway gradients.

### **Mechanical Ventilation**

- B11. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B12. 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**

- B13. 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 so as 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.

### **Access for People with Disabilities**

- B14. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

### **Parking**

- B15. Prior to the issue of a Construction Certificate, documentation demonstrating compliance with the following vehicle and bicycle parking requirements shall be submitted to the Certifier:
  - (a) a total of 55 car and 55 motorcycle parking spaces shall be provided for students and staff
  - (b) the provision of one dedicated servicing/refuse collection space
  - (c) the layout of the proposed vehicle parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018
  - (d) a minimum of 178 bicycle parking spaces are to be provided for students and staff

- (e) the layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.

### **Signalised Traffic Management System**

- B16. Prior to the issue of a Construction Certificate, details of the signalised traffic management system including installation, operation and management shall be submitted to the Certifier. The signalised traffic management system shall demonstrate that access to and from the basement car park via the single-lane basement ramp can occur conveniently and safely and without giving rise to unacceptable vehicle, motorcycle, bicycle or pedestrian conflicts.

### **AUSTROADS**

- B17. Prior to the issue of a Construction Certificate, the Applicant shall submit plan(s) for Council's approval demonstrating the development complies with the requirements for AUSTROADS specifically relating to the swept path of the longest vehicle entering and exiting the site and vehicle manoeuvrability within the site.

### **Requirements of Public Authorities**

- B18. 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**

- B19. The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in EIS Appendix P *Ecological Sustainable Development Report* prepared by Lucid Consulting Australia and dated 21 December 2018 and the Green Star rating (**Condition B10**). Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate.

### **BASIX certification**

- B20. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. A354805, A354941 and 1050339M and an updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

### **Water and Natural Resources Access Regulator**

- B21. Prior to the issue of a construction certificate, the applicant must obtain from the NSW Department of Primary Industries - Water (DPI – Water) their general terms of approval for this project. All documentation for the construction certificate must comply with these general terms of approval and the Certifier must be provided with a work method statement and design certificate specifically related to the General terms of Approval. The work method statement and design certificate must be provided by suitably qualified consultants.
- B22. Prior to the issue of a construction certificate, a hydrogeological report shall be prepared in consultation with the NSW Department of Industry, Lands and Water Division that describes the pre-development (existing), construction phase (during dewatering) and occupational phase (after building completion) groundwater take, groundwater levels, flow paths and quality for the site and its surrounds (from site to suburb scale). The report will need to be supported through the development and use of a numerical groundwater model for impact predictions.
- B23. A monitoring and management plan describing how groundwater levels, discharge volumes and water quality will be accurately measured (at accuracies, schedules and frequencies agreeable to the Natural Resources Access Regulator) and how the impacts on groundwater identified in the hydrogeological report will be mitigated during construction and in the long-term in accordance with the NSW Aquifer Interference Policy.
- B24. Prior to the issue of a construction certificate, the applicant shall provide evidence to the Certifier demonstrating its ability to obtain the necessary licensed entitlement to cover the predicted maximum take of water by the development during construction.

### **Installation of Water Efficient Fixtures and Fittings**

- B25. 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.
- B26. 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.

- B27. 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.
- B28. 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**

- B29. 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.
- B30. 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**

- B31. 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.

### **Heritage Interpretation Plan**

- B32. A comprehensive Interpretation Plan for the site is to be prepared providing detailed design of the interpretative content for the site. The Interpretation Plan shall be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The recommendations of the Interpretative Strategy and Plan are to be implemented in conjunction with the proposed development.

### **Schedule of Conservation Works**

- B33. A Schedule of Conservation Works for the heritage items comprising nos.10 – 12 Doncaster Avenue shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's *The Conservation Plan*. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
- B34. The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.

### **TfNSW Conditions**

- B35. Prior to the issue of a construction certificate, the applicant shall consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement.
- B36. Prior to the issue of a construction certificate, the applicant shall submit to the Certifier the written confirmation of TfNSW that the applicant has confirmed what each Construction Certificate stage will involve and the following has been reviewed and endorsed by TfNSW:
- (a) final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor, easement and substratum, and include consideration for a Finite Element analysis and any potential dewatering;
  - (b) final construction methodology with construction details pertaining to structural support during excavation or ground penetration;
  - (c) final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor;
  - (d) details of the vibration and movement monitoring system that will be in place before excavation commences; and

(e) detailed survey plan.

- B37. Prior to the issue of a construction certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement;
- B38. Prior to the issue of a construction certificate, the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW to whether these services could be affected by the works proposed or if they are to be relocated or incorporated within the site.
- B39. Prior to the issue of a construction certificate, the applicant shall provide an engineering drawing which illustrates the delineation of the Sydney Light Rail Corridor and the light rail stabling yard located adjacent to the subject development site in relation to the work site;
- B40. Prior to the issue of a construction certificate, the final acoustic assessment is to be submitted to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation;
- B41. Prior to the issue of a construction certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a construction certificate;
- B42. Prior to the issue of a construction certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator;
- B43. Prior to the issue of a construction certificate, a detailed regime is to be prepared for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW
- B44. Prior to the issue of a construction certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issue of a construction certificate the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

#### **Deviation of the Sydney Water Stormwater Channel**

- B45. The deviation of Sydney Water's stormwater channel that crosses the site shall be undertaken in accordance with the approved drawings listed at **Condition A2**, unless an alternative scheme has been agreed with Sydney Water. The cost of the deviation works shall be borne by the applicant and shall be at no cost to Sydney Water.

**Note:** it is recommended you contact Sydney Water to ascertain whether any additional approvals may be required by Sydney Water for the deviation of its stormwater infrastructure.

- B46. Prior to issue of a Construction Certificate the applicant must provide to Council full details of the terms and conditions of approval from Sydney Water for the relocation of the Sydney stormwater channel.

#### **Sydney Water Assets**

- B47. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation. The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

#### **Reconstruction / Upgrade of Council's and/or Sydney Water's Stormwater Infrastructure**

- B48. Council records show that the Stormwater Tonkin located within the development site is under the care and control of Council. Prior to issue of a Construction Certificate the applicant must determine ownership of the Tonkin. Prior to issue of a Construction Certificate the applicant must accurately locate, (both alignment and depth), the existing stormwater Tonkin located within the subject development site. The existing Tonkin must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Council's satisfaction. If it is determined that the stormwater Tonkin is under the care and control of Sydney Water, the existing Tonkin must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Sydney Water's satisfaction.

- B49. Prior to issue of a Construction Certificate the applicant must accurately locate, (both alignment and depth), the existing Sydney Water controlled stormwater pipeline located within the subject development site. The existing pipeline must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Sydney Water and Council's satisfaction.
- B50. If the Tonkin is found to be under the care and control of Sydney Water, prior to the issue of a Construction Certificate the applicant must provide to Council full details of the terms and conditions of approval from Sydney Water for the relocation of the Sydney water controlled Tonkin located within the site.
- B51. Prior to issue of a Construction Certificate for the proposed development the applicant must submit to Council for approval, and have approved, a detailed catchment and stormwater flow analysis of the subject site and the catchment area upstream of the site.
- B52. Prior to issue of a Construction Certificate for the proposed development the applicant must submit to Council for approval, and have approved, a detailed stormwater flow analysis of the subject site post construction, (i.e. modelling the completed development). The analysis must look at the operation of the proposed "Flood Water Transfer" areas. Specific reference must be made to the operation and capacity of the Flood Water Transfer areas and certification by a suitably qualified hydraulic engineer must be provided with the analysis. Structural details of the Flood Water Transfer areas must be provided together with recommendations for ensuring that the Flood Water Transfer areas do not become blocked. There must be no significant rise in flood levels for all storm events up to the critical 1%AEP storm event resulting from the development.
- B53. Prior to issue of a Construction Certificate for the proposed development the applicant must submit to Council for approval and have approved "for construction" plans for the reconstruction of the Council or Sydney Water controlled Tonkin along the eastern and southern site boundaries and of any proposed overland flowpath. The plans must include full details on works within Doncaster Avenue to connect the reconstructed Tonkin to the existing trunk drainage system in Doncaster Avenue. The plans must also include a detailed specification which must be prepared in consultation with Council's Development Engineer Coordinator. All works associated with reconstruction of the Council or Sydney Water Tonkin and the overland flowpath must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works. All costs associated with reconstruction of the Council or Sydney Water Tonkin and the overland flowpath must be met by the applicant. The costs will include all works within the development site and within Doncaster Avenue.
- B54. Prior to issue of a Construction Certificate for the proposed development the applicant must submit to Council for approval, and have approved, full design details of the new junction pit in Doncaster Avenue, (i.e. the junction pit where the reconstructed pipeline will connect to the existing trunk drainage line in Doncaster Ave). The new pit must be designed by suitably qualified hydraulic and structural engineers. All costs associated with construction of the new junction pit must be met by the applicant.
- B55. The Tonkin shall be reconstructed as either a spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP) or a Council approved concrete box culvert. The size of the pipeline or box culvert shall be determined following approval of the detailed catchment and stormwater flow analysis referenced above however it must be sized for the critical 5%AEP (1 in 20) storm event as a minimum. Prior to backfilling, the reconstructed pipeline (or box culvert) shall be inspected and approved by the Hydraulic Engineer certifying the works and Council. 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.
- B56. Any structure located over or near the reconstructed pipeline (or box culvert) must be suitably designed such that if Council or Sydney Water requires access to the pipeline (or box culvert) the structure can readily be removed without adversely affecting the structural integrity of the remaining structures within the development site. The costs for removal and subsequent reinstatement of structures or landscape elements to facilitate access to the drainage infrastructure must be met by the applicant or future owners corporation. The Construction Certificate plans must demonstrate compliance with this requirement.
- B57. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issue of a construction certificate.
- B58. Retaining walls, fencing or other structures on or near the southern and northern edges of the required drainage easement boundary should be constructed entirely outside the proposed pipeline or culvert to allow full access to the pipe / culvert and pits. Footings for such structures (and the basement carpark) must be founded below the zone of influence so that excavation of the pipe or culvert can be undertaken without affecting the structures. The Construction Certificate plans must demonstrate compliance with this requirement.
- B59. The building construction adjacent to the reconstructed pipeline / culvert and associated easement should be pierced to below the zone of influence and suitably designed to avoid damage due to access to the reconstructed pipe / culvert. The Construction Certificate plans must demonstrate compliance with this requirement.

- B60. There shall be no movement of construction machinery within the proposed drainage easement following reconstruction of the pipeline. Building materials shall not be stored within the proposed drainage easement and no deliveries of materials shall be made via the proposed easement.
- B61. All footings in the vicinity of the proposed drainage easement shall be suitably designed to ensure that they will not be adversely affected by stormwater/floodwater. The Construction Certificate application must demonstrate compliance with this requirement.
- B62. Any new fencing / gates located across the proposed drainage easement must be of a free and open form and must not impede or redirect the movement of stormwater flow. The Construction Certificate plans must demonstrate compliance with this requirement.

#### **Stormwater Drainage & Flood Management**

- B63. The floor level of all habitable, retail, commercial and storage areas (excluding those in the basement carpark) shall be at a minimum 500mm above the critical 1%AEP (1 in 100 year ARI) flood level as determined and issued by Council, or be suitably waterproofed up to these same levels. The applicant must obtain the detailed 1%AEP (1 in 100 year ARI) flood levels for this development site from Council's Development Engineer Coordinator prior to preparing construction certificate plans. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
- B64. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1%AEP (1 in 100 year ARI) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
- B65. 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 1%AEP (1 in 100 year ARI) flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
- B66. 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 Certifier with the construction certificate.

**Note:** 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.

- B67. The building, including building footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water table. All proposed footings located adjacent to drainage easements shall either be founded on rock, or extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose). Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application. The footings must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the Certifier prior to proceeding to the subsequent stages of construction.
- B68. 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 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 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 eg. the nature of the soil in the site and/or the presence of rock etc.
- B69. 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.

- B70. 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.
- B71. 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) the stormwater must be discharged (by gravity) either directly into Council's underground drainage system located in Doncaster Avenue via a new pit and new pipeline; or into the proposed reconstructed drainage pipeline / culvert located within the development site
  - (c) 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
  - (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) should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working. The pump system must also be designed and installed strictly in accordance with Council's Private Stormwater Code
  - (g) if connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system
  - (h) any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council)
  - (i) generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However, the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system
  - (j) a sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system. Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:
    - 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.

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

**Note:** this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent prior to a construction certificate being issued for the development.

- (l) any proposed infiltration system must be designed and constructed generally in accordance with Council's Private Stormwater Code
- (m) 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.
- (n) a childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored
- (o) 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
- (p) site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator
- (q) any onsite detention/infiltration systems shall be located in areas to be dedicated as common property and/or areas accessible by residents of all units
- (r) 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.

### Groundwater and Dewatering

- B72. As the proposed basement level/s will extend into the water table (or be affected by fluctuations of the water table), the following requirements apply:
- (a) the design and construction of the basement level/s must preclude the need for dewatering after construction. That part of the development that may be impacted by the water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional
  - (b) groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality. Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure. Groundwater management systems are to be designed to be easily maintained and should have a design life of 100 years
  - (c) the basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to the Certifier, prior to issue of a construction

certificate. A copy of the engineer's qualifications and experience must also be submitted to the Certifier. In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

B73. Prior to the issue of a construction certificate, a report must be submitted to the Certifier, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site. The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- (a) details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and approval from NSW DPI - Water
- (b) the proposed method of excavation, shoring/piling and dewatering
- (c) assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater

**Note:** The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage

- (d) the zone of any possible settlement
- (e) details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993*
- (f) the location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- (g) details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the *Protection of the Environment Operations Act 1997*
- (h) the program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied
- (i) the location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)
- (j) details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- (k) certification that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles; and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

B74. The proposed operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations. In this regard, the noise from the pumps shall not 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.

B75. Prior to the issue of a Construction Certificate application the applicant must obtain from DPI-Water, the general terms of approval and any specific requirements for dewatering of the site to facilitate construction of the basement carpark levels. In particular, the applicant must obtain in writing the Department's general terms of approval provided to Council on 15 February 2016, (DPI - Water reference 10ERM2015/1275). A copy of the general Terms of Approval must be submitted to the Certifier prior to the issue of a Construction Certificate.

B76. Prior to issue of a Construction Certificate, the applicant must demonstrate to the satisfaction of DPI – Water and provided to the Certifier that the proposed method for construction of the basement carpark and dewatering of the site is strictly in accordance with DPI – Water's requirements and best current engineering practice.

B77. No dewatering of the site shall take place until such time as the applicant has received authorization from DPI – Water under the Water Management Act 2000. A copy of the authorisation must be forwarded to Council prior to the commencement of any dewatering on the site. A valid current authorisation from the NSW DPI - Water must be

in place at all times to carry out dewatering activities, and all conditions and requirements of the DPI - Water must be complied with at all times.

- B78. Details of the proposed connection and or disposal of any groundwater (i.e. during construction) or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

## COUNCIL'S TREE CONDITIONS

### Street Tree Management and Projection Measures

- B79. Prior to the issue of a construction certificate, the applicant must submit a payment of \$1,177.00 (including GST), to cover Council's following costs:

- (a) removal, stump-grind and dispose of the existing *Lophostemon confertus* (Brush Box, Tree 48 in the Arborists Report) from the Doncaster Avenue footpath, in line with the northern site boundary, so as to accommodate works associated with the new major stormwater pipeline in this same area
- (b) supply, install and maintain 4 x 25 litre street trees, *Schinus areira* (Peppercorn Trees) within dedicated tree squares back on the Doncaster Avenue footpath, being three spaced evenly between the northern site boundary and the existing/remaining street tree in front of no.4-8, then one spaced evenly between this tree and the northern edge of the new vehicle crossing.

**Note1:** The new full-width public footpath will need to make allowances for the future planting of these new trees by providing individual tree squares at the back of the kerb. Refer also to civil works conditions later in this report.

**Note2:** This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre.

**Note3:** The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacements. After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's Tree Preservation & Maintenance Coordinator on 9093-6858.

- B80. In order to ensure retention of the five *Schinus areira* (Peppercorn Trees) located on Council's Doncaster Avenue footpath across the full width of the site, being one centrally in front of no.4-8 (T47); two others further to the south, being one each in front of both no.10 (T1) and no.12 (T2), one in front of no.14-16 (T49) and one in front of the vacant block at no.18 (T50) in good health, the following measures are to be undertaken:

- (a) all documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works
- (b) the vehicle crossing/basement entry ramp must be located between T49 & T50, to the location, extent and setbacks that are shown on the Ground Floor Plan by Hayball, dwg, TP02.02, rev 7, dated 04/10/2019, unless amended by **Condition B1(c)**.
- (c) any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property along this frontage must be setback a minimum distance of 2 metres from their trunks, with all hydraulic and services plans to demonstrate compliance with this requirement
- (d) prior to the commencement of any site works, the trunk of each tree is to be physically protected by layers of geo-textile, underfelt or Hessian, which shall be wrapped from ground level to the underside of their crowns/ 2m above ground level, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around their circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk
- (e) this protection measure is to be installed prior to the commencement of demolition and construction works and must remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER"
- (f) other than the approved works, the applicant is not authorised to perform any other works to these public trees, and must contact Council's Landscape Development Officer on 9093-6613 should pruning or similar works appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to any Occupation Certificate
- (g) there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble around or near their trunks, with all Site Management Plans needing to acknowledge these requirements
- (h) where roots are encountered which are in direct conflict with the approved external civil works and they need to be pruned, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area/s to be backfilled with clean site soil as soon as practically possible. Roots must not be left exposed to the atmosphere

- (i) evidence shall be submitted to the Certifier demonstrating compliance with these requirements on-site during the course of construction, and prior to issue of an Occupation Certificate.
- (j) A refundable deposit in the form of cash, credit card or cheque for an amount of ~~\$5,000.00~~ must be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

Note1: The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Note2: Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of an Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

### Protection of neighbour's trees

- B81. In order to ensure retention of the *Celtis occidentalis* (Hackberry T52), and *Lophostemon confertus* (Brush Box, T53), that are both located wholly on the adjoining private property at no.20, against the common boundary in good health, the following measures are to be undertaken:
- (a) all documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, SRZ, TPZ and tree identification numbers to be clearly and accurately shown on all plans in relation to the works
  - (b) all Construction Certificate plans must show that the southern wall of the basement will be offset a minimum distance of 4.9 m from the southern site boundary, as has been shown Basement Plan, dwg TP02.01, with the southern wall of the ground level to be offset a minimum distance of 6.05m, as has been shown on the Ground Level plan, dwg TP02.02
  - (c) any excavations associated with the installation of new services, pipes, stormwater systems or similar in the southern side setback, within either of their TPZ's, must be located hard up against the southern wall of the basement, with all services plans to be prepared and installed on-site in accordance with this requirement.
  - (d) ground levels in the southern side setback, within either of their TPZ's, must not be altered (raised or lowered) by more than 200mm, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil, for the purposes of landscaping only.
  - (e) where roots are encountered which are in direct conflict with the approved works and they need to be pruned, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area/s to be backfilled with clean site soil as soon as practically possible. Roots must not be left exposed to the atmosphere.
  - (f) evidence shall be submitted to the Certifier demonstrating compliance with these requirements on-site during the course of construction, and prior to issue of an Occupation Certificate.

### Protection of tree within site

- B82. In order to ensure retention of the large, mature and significant *Eucalyptus Saligna* (Sydney Blue Gum, Tree 42) located towards the northwest corner of the site in good health, the following measures are to be undertaken:
- (a) all documentation submitted for the Construction Certificate application must show the retention of the *Eucalyptus saligna* (Sydney Blue Gum, Tree 42), with the position and diameter of both its trunk, canopy and tree number to be clearly and accurately shown on all plans in relation to all proposed works
  - (b) prior to the commencement of any site works, the Certifier must ensure that an AQF Level V Arborist ('the site Arborist'), who is a registered member of a nationally recognized organization/association, has been engaged for the duration of the project to implement, monitor and perform any works associated with complying with the conditions of development consent, as well as any recommendations contained in the *Arboricultural Assessment and Management Plan* prepared by 10 of 19 Botanics Tree Wise People Pty Ltd and dated November 2018 as updated by addendum report dated February 2020 **and the Arboricultural Assessment and Management Plan prepared by Botanics Pty Ltd dated April 23 2021** ('the Arborists Report')
  - (c) the site Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, with a Final Compliance Report to be submitted to the Certifier, prior to the issue of any Occupation Certificate
  - (d) in the event of any discrepancy between the Arborists Report and the conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome, before proceeding further with any works
  - (e) the Construction Certificate plans must also show that the new major stormwater pipeline and easement location(s), with the distance of all works from this tree to be provided

- (f) a Work Method Statement must be submitted for the approval of the Site Arborist, showing that there will be no over-excavation that would result in works being performed closer to the tree than the final location of the pipe, and will involve the use of shoring systems and similar tree sensitive construction methods
- (g) canopy reduction to balance the tree needs to be performed by selective pruning of the 2 x lowest, middle order leaders to the west, and carried out in accordance with Australian Standards
- (h) the entry path and ramped walkway are to be provided to its south, to the extent and location that is shown on the Ground Floor Plan, dwg TP02.02, with measurements in millimetres to also be included showing the distance between its trunk and the northern edge of the pathway
- (i) ground levels in the area bounded by the western wall of the building, the northern and western site boundaries, and the northern side of the proposed pedestrian entrance must be maintained as existing, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil
- (j) other than works associated directly with the major stormwater pipe along the northern site boundary, and the approved ground floor footprint, there can be no excavations associated with the installation of any other new services, pipes, stormwater systems or similar in the area described in point (h) above
- (k) the site Arborist must be present on-site during all initial excavations for any works within its TPZ, such as for the western wall of the building, fencing, stormwater/easement, landscaping, the entry path and any other works
- (l) where roots with a diameter of 75mm or more are encountered during footings for the ramped walkway, which the site Arborist determines must be retained, then footings will need to be relocated to an alternative position to allow their preservation. Where roots with a diameter of less than 75mm are encountered, which are in direct conflict with the approved works, they may be cut cleanly by hand, only by the site Arborist, using only hand held tools, with the affected area to be backfilled with clean site soil as soon as practically possible
- (m) any root pruning will require on-site consultation with Council's Tree Officer.
- (n) this tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which must match up with the southern edge of the major stormwater pipe/easement along the northern site boundary, the western wall of the ground floor, the northern side of the pedestrian access, and front/western site boundary, in order to completely enclose this tree for the duration of works. The fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER"
- (o) ground protection comprising a 50mm layer of woodchip mulch, to which, strapped together rumble boards, plywood or similar shall be provided on top, must be provided for the TPZ area described in point (l) above, and must remain in place for the duration of works, until such time as landscape works are being installed in this area
- (p) in order to prevent soil/sediment being washed over its root system, erosion control measures must be provided around the perimeter of the TPZ
- (q) evidence shall be submitted to the Certifier demonstrating compliance with these requirements on-site during the course of construction, and prior to issue of an Occupation 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.

### Road Occupancy Licence

- C3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Alison Road during construction activities.
- C4. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place. All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works. Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

### Demolition

- C5. 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.

### Archival Photographic Recording

- C6. Prior to works commencing on site, an archival photographic recording should be undertaken of 10 and 12 Doncaster Avenue. The archival recording should specifically include internal and external components of the dwellings at 10-12 Doncaster Avenue and context photographs of the existing site as viewed from the street. A copy of the final recording shall be provided to Council.

### Pre-Construction Dilapidation Reports

- C7. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the Certifier prior to the issue of a Construction Certificate for below ground works. A copy of the report is to be forwarded to the Department and each of the affected property owners.
- C8. In relation to Sydney Light Rail and its assets, a dilapidation survey will be undertaken via a joint inspection with representatives from the Sydney Light Rail operator, TfNSW and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to Sydney Light Rail will be required unless otherwise notified by Sydney Light Rail.
- C9. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must provide evidence, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### Construction Environmental Management Plan

- C10. 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 (**Conditions D9 to D12**)
    - (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) groundwater management plan including measures to prevent groundwater contamination
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting
  - (viii) community consultation and complaints handling
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (**Condition C11**)
  - (c) Construction Noise and Vibration Management Sub-Plan (**Condition C12**)
  - (d) Construction Waste Management Sub-Plan (**Condition C13**)
  - (e) Construction Soil and Water Management Sub-Plan (**Condition C14**)
  - (f) Compliance with the AHIP (**Condition A30**)
  - (g) an unexpected finds protocol for contamination and associated communications procedure
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
  - (i) 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.
- C11. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) in consultation with Council and TfNSW Sydney Coordination Office, Light Rail within TfNSW, Altrac and the Light Rail Operator. 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 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 and cyclist impacts should be clearly identified and included in the CPTMSP.
- C12. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009)
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
  - (d) include strategies that have been developed with the community for managing high noise generating works
  - (e) describe the community consultation undertaken to develop the strategies in **Condition C12(d)**
  - (f) include a complaints management system that would be implemented for the duration of the construction.
- C13. The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations
  - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.

- C14. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council
  - (b) describe all erosion and sediment controls to be implemented during construction
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site)
  - (d) detail all off-Site flows from the Site
  - (e) describe 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.

#### **Hoarding**

- C15. 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**

- C16. 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.

#### **Access to Information**

- C17. 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.

#### **Contamination**

- C18. 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.

#### **Compliance Reporting**

- C19. 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](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- C20. 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.

- C21. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto: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.
- C22. 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.

### Public Liability

- C23. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Certifier and Council.

### Tree Pruning

- C24. Permission is granted for the minimal and selective pruning of the following, only in accordance with the contents of the approved *Arboricultural Assessment and Management Plan* prepared by 10 of 19 Botanics Tree Wise People Pty Ltd and dated November 2018 and *the Arboricultural Assessment and Management Plan prepared by Botanics Pty Ltd dated April 23 2021*, and only where needed in order to avoid damage to the trees; or; interference with the approved works:
- (a) from the eastern aspect of the large and mature *Eucalyptus saligna* (Sydney Blue Gum, Tree 42) that is located within the subject site, towards the northwest corner
  - (b) from the northern aspects of the two trees that are located wholly on the neighbouring private property to the south, no.20, against the common boundary, being from west to east, a *Celtis occidentalis* (Hackberry, T52), and a *Lophostemon confertus* (Brush Box, T53).
- C25. Pruning can only be undertaken by a practicing Arborist who holds a minimum of AQF Level III in Arboriculture, who is also eligible for membership with a nationally recognized organisation/association, with details confirming compliance to be provided to Council's Landscape Development Officer (9399-0613) prior to the commencement of any pruning works.
- C26. The site Arborist must contact Council's Landscape Development Officer (giving at least 2 working days-notice) to arrange a joint site meeting, prior to pruning, to determine the exact location and extent of pruning that is permissible, with the Arborist to comply with any instructions issued by Council's officer.
- C27. All pruning must also comply with the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

### Compliance

- C28. 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.

### TfNSW CONDITIONS

- C29. Prior to the commencement of works on site, a Safety Interface Agreement (SIA) between the Sydney Light Rail Operator, TfNSW and the applicant must be signed and accepted by all parties prior to the start of works. This agreement will include, but is not limited to;
- (a) review of the machinery to be used during excavation/ground penetration / construction works
  - (b) the need for track monitoring
  - (c) design and installation of lights, signs and reflective material
  - (d) access by representatives of TfNSW, Altrac and the Sydney Light Rail Operator to the site of the approved development and all structures on that site
  - (e) endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS)
  - (f) endorsement of plans regarding proposed craneage and other aerial operations
  - (g) erection of scaffolding/hoarding

- (h) Altrac and Sydney Light Rail Operator's rules and procedures
  - (i) alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- C30. Prior to the commencement of works, an agreement between the Altrac, Sydney Light Rail Operator, TfNSW and the applicant must be signed and accepted by all parties. This agreement will include, but is not limited to:
- (a) Sydney Light Rail operational and access requirements;
  - (b) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements
  - (c) Indemnities and releases
  - (d) Insurance requirements and conditions
  - (e) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation the development (e.g. review of designs, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes
  - (f) Interface coordination between the Sydney Light Rail Operator and the subject development construction works
  - (g) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets
  - (h) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor
  - (i) Arrangements for shutdowns
  - (j) Sydney Light Rail restricted operations related costs attributed to the applicant requested and approved Sydney Light Rail site works access approval and access permit to work.

## 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 as required by **Condition C5**.
- D2. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:
- (a) Work Health and Safety Act 2011
  - (b) Work Health and Safety Regulation 2017
  - (c) SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
  - (d) Australian Standard 2601 (2001) – Demolition of Structures
  - (e) The Protection of the Environment Operations Act 1997
  - (f) Protection of Environment Operations (Waste) Regulation 2014.

### New Services within 10 and 12 Doncaster Avenue

- D3. New services within 10 and 12 Doncaster Avenue, are to be surface mounted (if possible) rather than chased into existing walls or structures to minimise impact on heritage fabric. Where new penetrations or fixings are proposed, it is recommended that the Heritage Consultant be advised of exact location and nature of penetrations/fixings for review and comment prior to works being undertaken.

### Excavations, Back-filling & Retaining Walls

- D4. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- D5. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.
- D6. Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it.
- D7. All work shall be undertaken in accordance with the site stability, excavation and construction work requirements at condition B6

### Site Notice

- D8. 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.

### Hours of Construction

- D9. 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 1:00 pm, Saturdays.
- D10. No work may be carried out on Sundays or public holidays.
- D11. No work may be carried out on Saturdays or Sundays where the preceding Friday and/or the following Monday is a public holiday

- D12. 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.
- D13. 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.
- D14. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### Implementation of Management Plans

- D15. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans **Conditions C11 to C14**).

### Construction Noise and Vibration Management

- D16. 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 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.
- D17. 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.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of  $L_{Aeq} 75dBA$ ) 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.
- D19. 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 D9**.
- D20. 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.
- D21. 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).
- D22. Vibration monitoring shall be undertaken at the southern boundary of the site during the excavation phase of the development to ensure the vibration levels do not exceed the nominated vibration criteria specified in **Condition D21** and the methodology as set out in the CNVMSP.
- D23. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in **Condition D21**.
- D24. The limits in **Condition D21** and **Condition D22** apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C12 of this consent.

### Public Safety and Site Management

- D25. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:
- (a) building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time
  - (b) the road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council

- (c) all building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways

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

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

### **Operation of Plant and Equipment**

- D26. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Construction Traffic**

- D27. 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.

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

- D28. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
  - (a) a Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with
  - (b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out
  - (c) relevant Road / Asset Opening Permit fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place
  - (d) the owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issue of a final occupation certificate or occupation of the development (whichever is sooner)
  - (e) excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U
  - (f) excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date
  - (g) excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf
  - (h) the work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion
  - (i) the work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand
  - (j) sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident
  - (k) the owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

## Roadway

- D29. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

## Traffic Management

- D30. 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.
- D31. 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.
- D32. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

## No Obstruction of Public Way

- D33. 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

- D34. 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

- D35. 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

- D36. 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.

## Survey Requirements

- D37. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building and submitted to the Certifier and copy provided to Council:
- (a) prior to construction (pouring of concrete) of footings and boundary retaining structures
  - (b) prior to construction (pouring of concrete) of each floor slab
  - (c) upon completion of the building, prior to issue of an *Occupation Certificate*
  - (d) as otherwise may be required by the PCA.

## Tree Protection

- D38. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property
  - (b) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with **Conditions B79 and B80**. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council
  - (c) the retained tree on the site must be protected during construction in accordance with **Condition B82**
  - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater
  - (e) there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the TPZ during works

## **Dust and Air Quality**

- D39. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D40. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering
  - (b) all trucks entering or leaving the site with loads have their loads covered
  - (c) trucks associated with the development do not track dirt onto the public road network
  - (d) public roads used by these trucks are kept clean
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **Erosion and Sediment Control**

- D41. 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* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## **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*.

### **Building Encroachments**

- D55. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

### **SafeWork NSW Requirements**

- D56. 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.

### **Contact Telephone Number**

- D57. 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.

### **Contamination**

- D58. 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.
- D59. An Environmental Management Plan (EMP) for the ongoing management of the contamination, demolition (if applicable) and construction for site is to be prepared and to include but not limited to an Asbestos Management Plan. A copy is to be submitted to Council prior to commencement of any works. The EMP is to be reviewed by a suitably qualified environmental consultant and acoustic consultant to incorporate all recommendations prior to submitting the EMP to Council.
- D60. In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the of the environmental consultant.
- D61. The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the environmental consultant.

### **Aboriginal Archaeology**

- D62. All works shall be carried out at all times in accordance with the conditions of the AHIP **Condition A30**.
- D63. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

### **Unexpected Finds Protocol – Non-Aboriginal Archaeology**

- D64. 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.

### **TfNSW CONDITIONS**

- D65. All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects.
- D66. No rock anchors/bolts (temporary or permanent) are to be installed into TfNSW's property or easements and the light rail corridor.
- D67. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 metres measured horizontally of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation.
- D68. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the stabling yard and depot. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant.

- D69. The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits.
- D70. Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority).
- D71. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

## **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.

### **Signalised Traffic Management System**

- E3. Prior to the issue of an Occupation Certificate, details of the design, operation and management of the signalised traffic management system (and associated works) shall be submitted to the Certifier. The signalised traffic management system shall ensure the use of the single-lane basement car park ramp can occur safely at all times.
- E4. The signalised traffic management system shall be installed and operational prior to the occupation of the development.

### **Structural**

- E5. Prior to the issue of an Occupation Certificate, a professional engineer must certify that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation. A copy of the certification shall be submitted to the Certifier and Council with the Occupation Certificate.
- E6. The footings of any structures located adjacent to the reconstructed or existing Council or Sydney Water controlled stormwater drainage line must be founded on rock, or extend below a 30 degrees line taken from the level of the pipe invert either at the edge of the easement (angle of repose) or to Council's satisfaction (where there is no easement over the reconstructed drainage pipeline). The building works must be inspected by the applicant's engineer to ensure that these footings and/or piers extend below the "angle of repose" and documentary evidence of compliance is to be submitted to Council, prior to proceeding to the subsequent stages of construction.

**Note:** all footings must be located clear of the drainage easement.

### **Window Treatments and Planting**

- E7. All window treatments to the southern elevation preventing overlooking of 20 Doncaster Avenue shall be installed prior to the occupation of the development and in accordance with drawings TP02.02, TP02.03, TP02.04, TP03.01, TP03.02 and TP03.03.
- E8. The screening planting located within the southern setback between the development at 20 Doncaster Avenue shall be planted prior to the occupation of the development. The trees planted shall all be semi-mature stock, no less than 3 m in height.

### **Laundry facilities**

- E9. Prior to the issue of an Occupation Certificate, six commercial washing machines and six commercial dryers are to be installed and operational within the communal laundry.

### **Bedroom furnishings**

- E10. Prior to the issue of an Occupation Certificate every bedroom within the development is to be appropriately furnished.

### **Public Domain, open space and landscaping**

- E11. 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.
- E12. Tree planting must be undertaken in accordance with the following conditions;
- (a) all new trees shall be of mature tree stock with a height not less than 3 metres in height
  - (b) all newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
  - (c) all new trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF)
  - (d) the new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity
  - (e) any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

### **Signs to be Erected On-Site**

- E13. 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'.

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

- E14. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads
  - (c) to be forwarded to Council
  - (d) in relation to Sydney Light Rail, The final dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. the dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW, Altrac and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage.

### **Protection of Property**

- E15. 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**

- E16. 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**

- E17. 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**

- E18. 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.
- E19. Prior to issue of an Occupation Certificate a minimum 3.0 metre wide drainage easement shall be created over the line of the reconstructed pipeline (condition B55). The easement shall be in favour of Council and the wording and location of the easement shall be to Council's satisfaction.
- E20. Prior to the issue of an Occupation Certificate a positive covenant, (in favour of Council) must be registered on title to ensure appropriate access is afforded to the reconstructed pipeline (or box culvert) in compliance with condition B56.
- E21. Any structure located over or near the reconstructed pipeline (or box culvert) must be suitably designed such that if Council or Sydney Water requires access to the pipeline (or box culvert) the structure can readily be removed without adversely affecting the structural integrity of the remaining structures within the development site. The costs for removal and subsequent reinstatement of structures or landscape elements to facilitate access to the drainage infrastructure must be met by the applicant or future owners corporation. The Construction Certificate plans must demonstrate compliance with this requirement.

### **Council's Road Reserve**

- E22. A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issue of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).

### **Green Travel Plan**

- E23. Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared in consultation with TfNSW Sydney Coordination Office. The GTP shall include wayfinding strategies and travel access guides for future students, employees and visitors to encourage travel modes other than private vehicle use.

### **Heritage Interpretation Plan**

- E24. 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 B32**

### **Mechanical Ventilation**

- E25. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes
  - (b) any dispensation granted by Fire and Rescue NSW.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- E26. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise Impact Assessment Revision 1*, prepared by Acoustic Logic and dated 19 December 2019 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels.
- E27. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

### **Outdoor Lighting**

- E28. 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.

### **Sydney Water Compliance**

- E29. 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](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

### **Utility Providers**

- E30. 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.
- E31. 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.

## Fire Safety Certification

- E32. 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.

## Servicing, Waste and Recycling Collection

- E33. 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.

- E34. 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.

- E35. 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.
- E36. 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.
- E37. 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:
- (a) allocation of sufficient loading space(s)
  - (b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements
  - (c) controls on duration of stays
  - (d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
  - (e) controls on the placement of skips, pallets, etc.
  - (f) procedures for tradesman access and parking
  - (g) allocation of delivery times for residential removalists.

## Compliance with BASIX Certificate

- E38. Prior to the issue of any Occupation Certificate, the Applicant shall implement the BASIX commitments **Condition B20**.

## Works as Executed Plans

- E39. 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.

## Street Numbering

- E40. Prior to the issue of an Occupation Certificate, street numbers must be clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

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

- E41. The owner/developer must meet the full cost for a Council approved contractor to:
- (a) construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises to Council's specifications and requirements
  - (b) remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification
  - (c) carry out all works associated with reconstruction of the Council and/or Sydney Water controlled stormwater pipeline, both within the development site and Doncaster Avenue
  - (d) carry out all works associated with reconstruction of the Sydney Water controlled stormwater pipeline, both within the development site and Doncaster Avenue

- (e) undertake street tree planning along the Doncaster Avenue site frontage to Council's satisfaction and specification.
- E42. Prior to the issue of an occupation certificate the development, 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.
- E43. 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.

### **Flooding**

- E44. A flood evacuation plan shall be prepared to the satisfaction of Council prior to any occupation of the development.

### **Stormwater Drainage**

- E45. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the:
- (a) proposed "Flood Water Transfer" areas are maintained and that no works which could affect the design function of the "Flood Water Transfer" areas 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
  - (b) 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.

Note1: The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's required wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

Note2: 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.

- E46. 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).
- E47. 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.
- E48. The applicant shall submit to the Principal Certifying Authority (PCA) 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.

- E49. Prior to issue of an occupation certificate, the applicant shall submit to Council, and have approved, CCTV videos of the reconstructed Council or Sydney Water stormwater pipeline located along the northern and eastern site boundaries. Such CCTV shall inspect the stormwater pipe for any post construction damage.

#### **Basement Tanking**

- E50. The applicant shall submit to the Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

#### **TFNSW CONDITION**

- E51. Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

## PART F POST OCCUPATION

### Operation Management

- F1. The Operational Plan of Management submitted with the RRFI (Appendix C), as amended by the operational conditions of this consent, must be fully implemented at all times during use of the premises.
- F2. The use and operation of the outdoor communal open space must comply with the following requirements:
- (a) the hours of use of the outdoor communal open space is limited as follows:
    - i) between 7 am and 10 pm Monday to Saturday
    - ii) between 8 am and 8 pm on Sundays and public holidays
  - (b) the outdoor communal open space shall only be used by residents of the student accommodation building and their guests
  - (c) the use of amplified sound equipment (including musical instruments, televisions, radio and microphones, live or recorded entertainment etc) is prohibited within the outdoor communal open space at all times.
- F3. Signs shall be installed at the lobby/entrance to the development confirming that people should leave quietly.
- F4. Access to the roofs of the new building (including the principal roof and the roof at the first floor level at the south-east corner of the building) is prohibited other than in the case of emergency or for maintenance purposes.
- F5. The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
- F6. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

### Use and Management of Parking Spaces

- F7. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.
- F8. A Parking Management Plan must be developed and implemented for the development, which includes strategies and measures to 'self-manage' lodger and visitor parking within the development. Strategies and measures may include:
- (a) adoption of parking rules
  - (b) installation of suitable barriers, bollards, low-height fencing and gates
  - (c) installation of signage and notices
  - (d) intercom or key card systems
  - (e) security systems and security personnel
  - (f) enforcement processes and provisions to be implemented by the Management.

### Unobstructed Driveways and Parking Areas

- F9. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### 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 4 star Green Star Design & As Built rating in accordance with **Condition B10**). 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.

### Noise Control

- F12. 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) 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;
  - (b) exhibit tonal, impulsive or other annoying characteristics;

- (c) transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- F13. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.
- F14. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- F15. The operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Climate Change Noise Control Guidelines.
- F16. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

#### **Loading/Unloading**

- F17. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the LDMP **Condition E37**;
  - (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**

- F18. 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.

#### **Fire Safety Certification**

- F19. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E32**.

#### **Storage and Handling of Waste**

- F20. All waste collection services must be undertaken in accordance with **Conditions E33 to E37**.
- F21. No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F22. 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.
- F23. 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.

#### **Environmental Amenity and Environmental Health**

- F24. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- F25. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
- F26. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

## 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.

- (a) 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.
- (b) 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.

- (a) 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.
- (b) 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](mailto: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 A15 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (c) identify the development and application number;
  - (d) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (e) identify how the incident was detected;
  - (f) identify when the applicant became aware of the incident;
  - (g) identify any actual or potential non-compliance with conditions of consent;
  - (h) describe what immediate steps were taken in relation to the incident;
  - (i) identify further action(s) that will be taken in relation to the incident; and
  - (j) 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:
  - (k) a summary of the incident;
  - (l) outcomes of an incident investigation, including identification of the cause of the incident;
  - (m) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (n) details of any communication with other stakeholders regarding the incident.