

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 7 December 2023, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Anthony Witherdin  
**Director**  
**Key Sites Assessments**

Sydney

7 December 2023

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*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.*

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-39971796
<b>Applicant:</b>	TfNSW
<b>Consent Authority:</b>	As appropriate
<b>Site:</b>	Lot numbers, Chief Mechanical Engineer's (CME) Building, 505 Wilson Street, Redfern  Real Property Description
<b>Development:</b>	Development consent for the adaptive reuse of the Chief Mechanical Engineer's Building for commercial use, including: <ul style="list-style-type: none"><li>• upgrade the building to achieve compliance with the Building Code of Australia including accessibility and fire safety, and to support future use as commercial/office premises including:<ul style="list-style-type: none"><li>○ internal works such as new walls/partitions, doors, lift, lighting, amenities, and services</li><li>○ external works such as new roof sheeting, repair of dormer windows, balustrade to existing verandah, and new pedestrian ramp for access at ground floor</li></ul></li><li>• undertake landscaping to the site including a brick wall and fencing to the street frontage</li><li>• remove any hazardous building material</li><li>• provide new in-ground services including a new stormwater system and sewer connection.</li></ul>

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-39971796-MOD-1	Withdrawn	-	Correct minor errors in the conditions of consent to make reference to Crown Certification instead of Occupation Certificates and Construction Certificates.
SSD-39971796-MOD-2	16 May 2024	Team Leader	Correct minor errors in the conditions of consent to replace all references to 'Occupation Certificates' and 'Construction Certificates'

FOR INFORMATION

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	TfNSW, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CCC</b>	Community Consultative Committee
<b>CCS</b>	Community Communication Strategy
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building works</b>	<b>Certification under section 6.28(2) of the EP&amp;A Act</b>
<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 site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Construction Certificate</b>	<del>A certificate to the effect that building work completed in the accordance with specified plans and specifications or standards will comply with the requirements of the EP&amp;A Regulation</del>
<b>Council</b>	City of Sydney
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm 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, Housing and Infrastructure
<b>Development</b>	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled Chief Mechanical Engineer's Building Environmental Impact Statement, prepared by Ethos Urban, dated December 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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

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<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 2021</i>
<b>EPL</b>	Environmental Protection Licence under the <i>Environment Operations Act 1997</i>
<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 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 (or delegate).
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Owner</b>	Means the registered proprietor of the Property from time to time.
<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 delegate).
<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>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>RtS</b>	The Applicant’s response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.

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<b>RRFI</b>	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
<b>SDRP</b>	State Design Review Panel
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Tenanted Component</b>	Has the same meaning as the definition of the term in section 71 of the <i>State Environmental Planning Policy (Housing) 2021</i>
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

FOR INFORMATION

## 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.

#### 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) generally in accordance with the State significant development application SSD 39971796 Environmental Impact Statement prepared by Ethos Urban, dated December 2022
  - (d) generally in accordance with the State significant development application SSD 39971796 Response to Submissions report prepared by Ethos Urban, dated June 2023
  - (e) generally in accordance with the State significant development application SSD 39971796 Response to Request for Further Information prepared by Artefact, dated September 2023
  - (f) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by CCG Architects</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
CCG-CME-AR-DRG-000	E	Cover sheet, Location Plan	10.05.2023
CCG-CME-AR-DRG-100	E	Drawing Index	10.05.2023
CCG-CME-AR-DRG-101	E	Survey	10.05.2023
CCG-CME-AR-DRG-200	E	Site Analysis Plan	10.05.2023
CCG-CME-AR-DRG-201	E	Proposed Site Plan	10.05.2023
CCG-CME-AR-DRG-203	E	Ground Floor Demolition Plan	10.05.2023
CCG-CME-AR-DRG-204	E	Proposed Ground Floor Plan	10.05.2023
CCG-CME-AR-DRG-205	E	First Floor Demolition Plan	10.05.2023
CCG-CME-AR-DRG-206	E	Proposed First Floor Plan	10.05.2023
CCG-CME-AR-DRG-207	E	Roof Plan	10.05.2023
CCG-CME-AR-DRG-208	E	Ground Floor Reflected Ceiling Plan	10.05.2023
CCG-CME-AR-DRG-209	E	First Floor Reflected Ceiling Plan	10.05.2023
CCG-CME-AR-DRG-300	E	Elevations	10.05.2023
CCG-CME-AR-DRG-301	E	Elevations	10.05.2023
CCG-CME-AR-DRG-400	E	Sections	10.05.2023
CCG-CME-AR-DRG-401	E	Sections	10.05.2023
CCG-CME-AR-DRG-500	E	Details – Staircase	10.05.2023

CCG-CME-AR-DRG-501	E	Details – Wet Area Plans Sheet 1	10.05.2023
CCG-CME-AR-DRG-502	E	Details - Wet Area Plans Sheet 2	10.05.2023
CCG-CME-AR-DRG-503	D	Details – Lift Plans and Section	10.05.2023
CCG-CME-AR-DRG-504	E	Details – Balcony Balustrade Details	10.05.2023
CCG-CME-AR-DRG-505	D	Details – Dormer Window	10.05.2023
CCG-CME-AR-DRG-506	D	Details – Door Schedule	10.05.2023
CCG-CME-AR-DRG-507	C	Details - Kitchenette	10.05.2023
CCG-CME-AR-DRG-601	E	External Artist Impression	10.05.2023
CCG-CME-AR-DRG-	E	Internal Artist Impression	10.05.2023
<b>Landscape drawings prepared by Arterra Design</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
L-DD-00	B	Cover Sheet	09.05.2023
L-DD-01	B	Landscape Site Plan	09.05.2023
L-DD-02	B	Landscape Concept Plan	09.05.2023
L-DD-03	B	Eastern Garden Plan	09.05.2023
L-DD-04	B	Entry Stairs and Ramp Detail Plan	09.05.2023
L-DD-05	B	Sections	09.05.2023
L-DD-06	B	Sections	09.05.2023
L-DD-07	B	Sections	09.05.2023
L-DD-08	B	Elevations – Wilson St. Frontage	09.05.2023
L-DD-09	B	Typical Details	09.05.2023
L-DD-10	B	Indicative Landscape Renders	09.05.2023
L-DD-11	B	Indicative Landscape Renders	09.05.2023

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

#### **LIMITS ON CONSENT**

- A5. This consent will lapse five years from the date the consent is published on the SNW Planning Portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- (a) the fitout and use of the building
  - (b) the installation of signage, with the exception of the brass plaques identified on the approved landscaping plans.

Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

#### **PRESCRIBED CONDITIONS**

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

#### **PLANNING SECRETARY AS MODERATOR**

- A8. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

#### **LEGAL NOTICES**

- A9. Any advice or notices to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

#### **EVIDENCE OF CONSULTATION**

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STRUCTURAL ADEQUACY**

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

**Notes:**

- ~~Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.~~
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

#### **OPERATION OF PLANT AND EQUIPMENT**

- A12. All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.

#### **APPLICABILITY OF GUIDELINES**

- A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **MONITORING AND ENVIRONMENTAL AUDITS**

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

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide

*data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## **COMPLIANCE**

- A16. 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.

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

Within three months of:

- A17.
- (a) the submission of a compliance report under this consent
  - (b) the submission of an incident report under this consent
  - (c) the submission of an Independent Audit under this consent
  - (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
  - (e) the issue of a direction of the Planning Secretary under this consent which requires a review.

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.

- A18. 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.*

## **COMPLIANCE REPORTING**

- A19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- A20. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- A21. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A22. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## **INDEPENDENT ENVIRONMENTAL AUDIT**

- A23. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- A24. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A25. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A26. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under this consent
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.
- A27. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.
- A28. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

**PART B PRIOR TO ~~ISSUE OF CONSTRUCTION CERTIFICATE~~ COMMENCEMENT OF CONSTRUCTION**

**DESIGN AMENDMENTS AND DETAILS**

- B1. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit revised plans to the Planning Secretary for approval in respect to the following items:
- (a) Front fence: any front fence, including the supporting retaining wall and landscaping design along the Wilson Street frontage of the site
  - (b) Balustrade: new glass balustrade, including its installation details in respect to the existing iron lace balustrade
  - (c) Accessible ramps: where practical be designed to maximum gradient of 1:20 to remove the need for handrails and balustrades
  - (d) Lift door: be of non-combustible material that is sympathetic in finish with its location in the entrance hallways at each level
  - (e) Roof and chimneys: Flashings are to be of a material compatible with the final roofing material and be installed in a stepped manner adjacent to brick chimneys

- (f) Acoustic insulation: Additional details are required for the proposed acoustic insulation to be laid across the top of existing walls
- (g) Ceilings: Ceiling plans are to accurately depict all existing decorative elements like ceiling roses and include a legend for all symbols used
- (h) Lighting: A detailed design of the proposed lighting, including model, style and colour temperature, is to be developed in close consultation with the nominated project heritage specialist prior to installation (i) General:
- (i) Proposed lightweight infill to the existing doors and fanlights in rooms F3B and G15 and impacts on joinery
  - (ii) AC unit enclosures within various rooms
  - (iii) External bin enclosure design details
  - (iv) Plumbing details of the first floor toilets/bathrooms which ensures there is no impact on significant fabric and ceilings below
  - (v) Existing window upgrade details which improve window performance without requiring extensive replacement of existing windows (vi) New roof exhaust vents.

The plans lodged to satisfy this condition must be consistent with the Conservation Management Plan for the Chief Mechanical Engineer Building and be prepared with the guidance of a qualified and experienced heritage consultant and in consultation with Heritage NSW. The revised plans should include (but not limited to) amended architectural plans at scale 1:100 or 1:200, construction details and drawings at scale 1:20 or 1:50, and manufacturer specifications or equivalent documentation to illustrate the materials and finishes of the item.

## **MATERIALS AND FINISHES**

- B2. Prior to the ~~issue of the Construction Certificate for~~ **commencement of** above ground **works construction**, the Applicant must submit to the satisfaction of the Planning Secretary the final schedule of Materials and Finishes, prepared in consultation with Heritage NSW. The final schedule of Materials and Finishes must include:
- (a) Documentation of further investigation carried out to determine the original surface colours and treatments of internal and external surfaces
  - (b) New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties
  - (c) Remove reference to metal decking roofing from the roof plan
  - (d) Roof sheets are to be of traditional sizes, where practicable, and to be fixed in the traditional way and not use modern long run sheets. Further investigation should be undertaken into the original roof colour, where the original roof colour cannot be determined an appropriate colour may be used. The new roof selection must be consistent with the Conservation Management Plan
  - (e) Specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of the application
  - (f) Confirmation of the process and methods in arriving at the final choice for all materials and finishes.

The plans lodged to satisfy this condition must include final specifications of colour, material and, where relevant, manufacturer, and must include generic material or colour descriptions or use terminology such as 'or similar'.

## **CONSERVATION MANAGEMENT PLAN**

- B3. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must finalise and endorse the Conservation Management Plan for the Chief Mechanical Engineer Building in consultation with Heritage NSW. A copy of the final plan must be submitted to the Planning Secretary and Council for information.

## **GENERAL HERITAGE**

- B4. The proposed works are to be carried out in accordance with the endorsed Conservation Management Plan for the Chief Mechanical Engineer Building, which seeks to minimise demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- B5. The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- B6. New services are to comply with the Conservation Management Plan for the Chief Mechanical Engineer Building with an emphasis on reversible solutions with minimal impact to significant fabric.
- B7. New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.
- B8. Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- B9. The new windows and doors on the existing building must match the original material.

- B10. Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

#### **NO STRUCTURES ON STREET-FACING ROOF PLANE**

- B11. No solar hot water heater storage tanks, ventilators, air conditioning units, satellite dishes and antennae or the like are to be placed on the street-facing roof plane of the building.

#### **USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT**

- B12. An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and may request information or clarification where required for the resolution of heritage issues throughout the project.
- B13. Evidence and details of the above commission on the above terms are to be provided to the consent authority prior to the ~~issue of the first Construction Certificate or~~ commencement of **construction work on site whichever is the earlier**.
- B14. Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
- (a) Undertake site inspections as necessary
  - (b) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works
  - (c) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- B15. Upon completion of the works, the final report is to be submitted for information to the consent authority prior to ~~the issue of any Occupation Certificate~~ **occupation**.

#### **HERITAGE CONSERVATION WORKS**

- B16. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, a schedule of conservation works prepared with the guidance of a qualified and experienced heritage consultant and in consultation with Heritage NSW is to be submitted to the Planning Secretary for approval.
- B17. The schedule is to detail the conservation of all fabric identified as having a heritage significance.
- B18. The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans showing appropriate detail. The details should incorporate any structural and/or building services design for the building, including any visible changes to significant fabric arising from services design.

#### **HERITAGE INTERPRETATION PLAN**

- B19. Prior to the ~~issue of the first Construction Certificate~~ **commencement of for** above ground **construction works**, a Heritage Interpretation Plan for the site, together with evidence of consultation with Heritage NSW and documentation of their advice on the plan, must be submitted to and approved by the Planning Secretary. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- B20. The heritage interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- B21. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- B22. Prior to ~~the Occupation Certificate occupation being issued~~ the approved interpretation plan must be implemented to the satisfaction of the Planning secretary.

#### **ABORIGINAL HERITAGE**

- B23. All reasonable steps must be taken to avoid harm, impacts or modifications to Aboriginal objects except as authorised by this approval.
- B24. The Registered Aboriginal Parties (RAPs) must be kept informed about the approved development. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the approved development.

#### **SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MAJOR DEVELOPMENT**

- B25. Stone, bricks, roof tiles joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.
- B26. Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second building material dealer for recycling.

- B27. Documentation of the salvage methodology prepared with the guidance of a qualified and experienced heritage consultant and in consultation with Heritage NSW must be submitted to and approved by the Planning Secretary prior to the ~~issue of a Construction Certificate~~ commencement of construction.

#### **VEHICLE FOOTWAY CROSSING**

- B28. A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

- B29. All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the ~~issue of the first Occupation Certificate~~ commencement of construction.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

#### **TREES APPROVED FOR REMOVAL**

- B30. All trees detailed in the Arboricultural Plans prepared by Arterra dated 30 March 2023 and 10 May 2023 are approved for removal. ~~Free removal must not occur until the Construction Certificate has been issued.~~

- B31. All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice - Amenity Tree Industry.

#### **TREES THAT MUST BE RETAINED**

- B32. All trees listed for retention in the Arboricultural Plans prepared by Arterra dated 30 March 2023 and 10 May 2023 must be retained and protected in accordance with the conditions throughout construction and development.

#### **LONG SERVICE LEVY**

- B33. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

#### **STRUCTURAL DETAILS**

- B34. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the NCC; and

(b) this development consent.

#### **EXTERNAL WALLS AND CLADDING**

- B35. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

- B36. Prior to the ~~issue of the Construction Certificate for commencement of~~ above ground ~~construction works~~, the Applicant must submit to the satisfaction of the Certifier 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 NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- B37. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

#### **MECHANICAL VENTILATION**

- B38. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.

- B39. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

#### **SITE STABILITY AND CONSTRUCTION WORK**

- B40. Prior to the ~~issue of the first Construction Certificate~~ commencement of construction, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:

- (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 support and construction are suitable for the site and will 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 building work
- (e) details of written approvals that have been 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).

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

B41. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Sustainability Report prepared by LCI Consultants, dated 9/12/2022.

#### **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B42. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
  - (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
  - (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS
  - (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

#### **MECHANICAL PLANT NOISE MITIGATION**

B43. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

#### **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

B44. Prior to the ~~issue of the Construction Certificate for commencement of~~ **above ground construction works**, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Acoustic Logic, dated 22/11/2022.

#### **SYDNEY WATER ASSETS**

B45. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

**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>

#### **BICYCLE PARKING AND FACILITIES**

- B46. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) a minimum of 11 on-site bicycle parking spaces
  - (b) a minimum of 9 personal lockers
  - (c) a minimum of 4 showers.

B47. The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

#### **LANDSCAPING**

B48. Prior to the ~~issue of the Construction Certificate for commencement of~~ **above ground construction works**, the Applicant must submit to the satisfaction of the Certifier a detailed Landscape Plan. The plan must be generally consistent with the Landscape Plans prepared by Arterra, dated 10/05/2023 and include:



- (a) details of tree planting, including pot sizes
- (b) detail the location, species, maturity and height at maturity of plants to be planted on-site
- (c) demonstrate adequate drainage and watering systems for the planters
- (d) details of plant maintenance and watering for the first 12 months and
- (e) a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

#### **SITE SUPERVISION AND REPORTING**

- B49. An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
- (a) The installation of tree protection measures prior to the commencement of any construction works
  - (b) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained
  - (c) During construction of the specify structure/deck/concrete slab etc)
  - (d) During any excavation and trenching within the TPZ which has been approved by the Planning Secretary
  - (e) During any Landscape works within the TPZ which has been approved by the Planning Secretary.
- B50. An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by the Planning Secretary at each hold point listed below:
- (a) Certification that tree protection measures have been installed in accordance with these consent conditions
  - (b) Certification of compliance with each key milestone listed above within 48 hours of completion
  - (c) Monthly reporting for the duration of construction and development works within the site
  - (d) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by the Planning Secretary.
- B51. A final compliance report must be submitted to and approved by the Planning Secretary prior to the ~~issue of any Occupation Certificate~~ **occupation**.

#### **STORMWATER MANAGEMENT SYSTEM**

- B52. Prior to the ~~issue of the first Construction Certificate~~ **commencement of construction**, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s)
  - (b) be generally in accordance with the conceptual design in the EIS
  - (c) be in accordance within Council's stormwater requirements and specifications
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

#### **PART C PRIOR TO COMMENCEMENT OF WORKS NOTIFICATION OF COMMENCEMENT**

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

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

#### **ACCESS TO INFORMATION**

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent
    - (ii) all current statutory approvals for the development
    - (iii) all approved strategies, plans and programs required under the conditions of this consent
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent



- (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs
  - (vi) a summary of the current stage and progress of the development
  - (vii) contact details to enquire about the development or to make a complaint
  - (viii) a complaints register, updated monthly
  - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.
- (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

#### **SURVEY CERTIFICATE**

- C4. While building works is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier –
- (a) All footings/ foundations
  - (b) At other stages of construction – any marks that are required by the principal certifier.
- C5. ~~Before the issue of an occupation certificate~~ **Prior to occupation**, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No.11 – Preservation of Survey Infrastructure.
- C6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C7. Prior to the commencement of works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

#### **UTILITIES AND SERVICES**

- C8. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C9. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

#### **DIAL BEFORE YOU DIG SERVICE**

- C10. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

#### **DEMOLITION**

- C11. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 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 must be submitted to the Certifier before the commencement of works.

#### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- C12. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a PreConstruction Dilapidation Report, prepared by a suitably qualified person.

- C13. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C14. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of 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.
- C15. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C16. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or ~~before the final Occupation Certificate prior to occupation is issued for the development~~, whichever is the sooner.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C17. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
- (i) hours of work
  - (ii) 24 hour contact details of the site manager
  - (iii) community consultation and complaint handling procedure
  - (iv) traffic management
  - (v) noise and vibration management, prepared by a suitably qualified person
  - (vi) management of dust and odour to protect the amenity of the neighbourhood
  - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
  - (viii) contamination management, including any unexpected contamination finds protocol
  - (ix) waste management
  - (x) external lighting in compliance with applicable Australian Standards
  - (xi) flora and fauna management.
- (b) Construction Traffic and Pedestrian Management Sub-Plan
- (c) Construction Noise and Vibration Management Sub-Plan
- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (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) to be undertaken to confirm the contamination status in these areas of the site.

### **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN**

- C18. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
- (a) a description of the development
  - (b) location of any proposed work zone(s)
  - (c) details of crane arrangements including location of any crane(s) and crane movement plan
  - (d) haulage routes
  - (e) proposed construction hours

- (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods
- (g) construction vehicle access arrangements
- (h) construction program and construction methodology, including any construction staging
- (i) a detailed plan of any proposed hoarding and/or scaffolding
- (j) measures to avoid construction worker vehicle movements within the precinct
- (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction
- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
- (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- C19. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the site
  - (b) identification of all potentially affected sensitive residential receiver locations
  - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS
  - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval
  - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval
  - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts
  - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction
  - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community
  - (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice
  - (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action
  - (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan
  - (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
  - (m) measures to monitor noise performance and respond to complaints
  - (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site
  - (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
  - (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

### **AIR QUALITY MANAGEMENT SUB-PLAN**

- C20. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods)
  - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour)
  - (c) mission statement
  - (d) dust and VOCs/odour management strategies consisting of:
    - (i) objectives and targets
    - (ii) risk assessment
    - (iii) suppression improvement plan
    - (iv) monitoring requirements including assigning responsibility (for all employees and contractors)
    - (v) communication strategy; and
    - (vi) system and performance review for continuous improvements.
- C21. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- C22. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C23. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste"
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works
  - (c) procedures for minimising the movement of waste material around the site and double handling
  - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways
  - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises
  - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises
  - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
    - a traffic plan showing transport routes within the site
    - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
    - the name and address of each licensed facility that will receive waste from the site (if appropriate).

### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
  - (c) detail all off-Site flows from the Site
  - (d) 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.

### **CONSTRUCTION PARKING**

- C25. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel

(where required), unless where located in an approved on-street work zone, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

#### **COMPLIANCE**

- C26. Prior to the commencement of any earthwork or construction, 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.

#### **BARRICADE PERMIT**

- C27. 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 from the relevant authority 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 authority.

#### **HOARDING**

- C28. An 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 any proposed artwork
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

#### **OUTDOOR LIGHTING**

- C29. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **PUBLIC LIABILITY INSURANCE**

- C30. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

#### **REMEDIAION – SITE AUDITOR**

- C31. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- C32. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan (prepared by Consulting Earth Scientists, 2009) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### **REMEDIAION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT**

- C33. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

#### **REMEDIAION – UNEXPECTED FINDS PROTOCOL**

- C34. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

#### **REMOVAL OF HAZARDOUS BUILDING MATERIALS AND FILL**

- C35. Prior to the commencement of any works, all hazardous materials must be removed from the site or appropriately encapsulated in accordance with the recommendations in the submitted Preliminary Site Investigation at 505 Wilson Street Eveleigh Report, prepared by Environmental Earth Sciences, dated 29 July 2022 numbered 122040\_VAR 1 version 1.
- C36. Prior to the commencement of any works, a clearance certificate be obtained to ensure lead risk and other hazards materials has been removed appropriately and that no lead-based paint remains within the building and confirmatory sampling and analysis for lead of the building be conducted to evaluate the presence of lead contamination post remediation. Confirmatory sampling and analysis of lead in surface soils should be undertaken post remediation to ensure lead has not migrated out of the building during remediation in accordance with the recommendations in the submitted Preliminary Site Investigation at 505 Wilson Street Eveleigh Report prepared by Environmental Earth Sciences dated 29 July 2022 numbered 122040\_VAR 1 version 1.
- C37. Prior to the commencement of any works, Surface fill material along Wilson Street must be disposed to an appropriate facility in accordance with the recommendations in the submitted Preliminary Site Investigation at 505 Wilson Street Eveleigh Report prepared by Environmental Earth Sciences dated 29 July 2022 numbered 122040\_VAR 1 version 1.

## **ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN**

- C38. Prior to carrying out any ground disturbance works associated with the development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced persons
  - (b) be prepared in consultation with the Registered Aboriginal Parties
  - (c) be reviewed by Heritage NSW
  - (d) specify that where previously unidentified Aboriginal objects are discovered, all work must immediately cease in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. This information should be included in a procedure for the management of Unexpected Heritage Finds and for Human Skeletal remains, with the procedure to be prepared in accordance with any guidelines and standards prepared by Heritage NSW
  - (e) include requirements to undertake further Aboriginal cultural heritage assessment for any areas outside of the current project footprint and/or where the extent of impacts may be increased during current or future phases of the project
  - (f) include provision for workers on site to receive suitable heritage inductions prior to carrying out any development on site, with records to be kept of these inductions; and
  - (g) include procedures and requirements for ongoing review and revision of the plan, as required.

**PART D DURING CONSTRUCTION APPROVED PLANS TO BE ON-SITE** A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

## **SITE NOTICE**

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
  - (c) state the approved hours of work
  - (d) state that unauthorised entry to the work site is prohibited
  - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

## **HOURS OF CONSTRUCTION**

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. 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.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday
  - (b) 2pm to 5pm Monday to Friday;
  - and (c) 9am to 12pm, Saturday.

## **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D8. 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.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

### **NON-COMPLIANCE NOTIFICATION**

- D10. 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.
- D11. 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.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **SAFework REQUIREMENTS**

- D13. 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 requirements.

### **IMPLEMENTATION OF MANAGEMENT PLANS**

- D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

### **CONSTRUCTION NOISE LIMITS**

- D15. 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.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only 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 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. Any noise generated during 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 site.

### **VIBRATION CRITERIA**

- D20. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)
  - for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

### **AIR QUALITY**

- D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering
  - all trucks entering or leaving the site with loads have their loads covered
  - trucks associated with the development do not track dirt onto the public road network
  - public roads used by these trucks are kept clean; and

- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- D23. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage.
- This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

#### **TREE PROTECTION**

- D24. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

#### **PROTECTION OF NATIVE WILDLIFE**

- D25. In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- D26. In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

#### **EROSION AND SEDIMENT CONTROL**

- D27. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

#### **CUT AND FILL**

- D28. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D29. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

#### **DISPOSAL OF SEEPAGE AND STORMWATER**

- D30. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D31. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D32. 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*.

#### **ASBESTOS**

- D33. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.



## **CONSTRUCTION TRAFFIC**

D34. 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 OCCUPANCY LICENCE**

D35. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## **NO OBSTRUCTION OF PUBLIC WAY**

D36. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

## **CONTACT TELEPHONE NUMBER**

D37. 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.

## **COVERING OF LOADS**

D38. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

D39. 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.

## **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

D40. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

D41. In this condition:

“relic” means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance. “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

## **PART E PRIOR TO OCCUPATION ~~OR COMMENCEMENT OF USE~~ OCCUPATION CERTIFICATE**

~~The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.~~

## **WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

E2. ~~Prior to the issue of an Occupation Certificate~~ **occupation**, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming all stormwater drainage systems and storage systems have been completed.

E3. The Certifier must provide a copy of the plans to consent authority ~~with the Occupation Certificate prior to~~ **occupation**.

## **NOTIFICATION OF OCCUPATION**

E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.

E5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

## **GFA AND BUILDING HEIGHT CERTIFICATION**

E6. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to ~~the issue of an Occupation Certificate~~ **occupation**.

## EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E7. Prior to ~~the issue of an Occupation Certificate~~ **occupation being issued**, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- E8. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- E9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development
  - infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

## MECHANICAL VENTILATION

- E10. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- any conditions of this consent
  - the NCC
  - any applicable Australian Standards
  - any dispensation granted by Fire and Rescue NSW.

## OPERATIONAL WASTE MANAGEMENT PLAN

- E11. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- be prepared in consultation with Council
  - confirm the location of waste collection and establish appropriate routes to the collection point
  - provide confirmation of the engagement of a qualified private waste collection contractor
  - detail the type and quantity of waste to be generated during operation of the development
  - describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA)
  - detail the materials to be reused or recycled, either on or off site
  - include the Management and Mitigation Measures included in the EIS.

## WASTE AND RECYCLING COLLECTION

- E12. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time unless prior approval is given from Council.

## POST-CONSTRUCTION DILAPIDATION REPORT

- E13. ~~Before the issue of any Occupation Certificate~~ **Prior to occupation**, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
  - where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
  - relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E14. ~~Before the issue of any Occupation Certificate~~ **Prior to occupation**, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

## ROAD DAMAGE

- E15. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

## **FIRE SAFETY CERTIFICATION**

- E16. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

## **STRUCTURAL INSPECTION CERTIFICATE**

- E17. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## **WARM WATER SYSTEMS AND COOLING SYSTEMS**

- E18. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with *the Public Health Act 2010, Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

## **OUTDOOR LIGHTING**

- E19. Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates 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); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **STORMWATER**

- E20. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.
- E21. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices
  - (b) record and reporting details
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## **SYDNEY WATER COMPLIANCE**

- E22. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

## **UTILITY PROVIDERS**

- E23. ~~Before the issue of any Occupation Certificate~~ **Prior to occupation**, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E24. ~~Before the issue of any Occupation Certificate~~ **Prior to occupation**, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

## **ENVIRONMENTAL PERFORMANCE**

- E25. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

## **GREEN TRAVEL PLAN**

- E26. The Green Travel Plan must be reviewed and updated every three years in consultation with TfNSW and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The plan (as reviewed and updated every three years) must be implemented by the Applicant for the life of the development approved under this consent.

E27. The Green Travel Plan must be made available to the Planning Secretary upon request.

#### **BICYCLE PARKING AND END-OF-TRIP FACILITIES**

E28. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:

- (a) the provision of a minimum 11 bicycle parking spaces
- (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance
- (c) the provision of end-of-trip facilities, which include at least 4 showers, a changing area and 9 lockers
- (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (e) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

E29. Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the Site to direct cyclists from footpaths to designated bicycle parking areas

#### **SERVICE VEHICLE SIZE LIMIT**

E30. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the final details of on-street loading arrangements must be submitted to and approved by Council. The size of vehicles servicing the site must not require the removal of more than one on-street parking space and may include an additional timed loading zone.

#### **ASSOCIATED ROADWAY COSTS**

E31. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

#### **COST OF SIGNPOSTING**

E32. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the Applicant.

#### **CHANGES TO KERB SIDE PARKING RESTRICTIONS**

E33. A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking Council's approval for any changes to kerb side parking arrangements.

E34. The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

E35. All costs associated with the parking proposal will be borne by the Applicant.

Note: As parking in the LGA is at a premium, it is recommended that the Applicant should approach Council's Area Traffic Engineer to discuss the proposal before making a submission.

#### **LANDSCAPE PRACTICAL COMPLETION REPORT**

E36. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

#### **STREET NUMBERING**

E37. Prior to ~~the issue of any Occupation Certificate~~ **occupation**, the Applicant must provide to the Certifier evidence that street numbers are 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.

## PART F OCCUPATION AND ONGOING USE

### ANNUAL FIRE SAFETY STATEMENT

- F1. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

### FIRE SAFETY CERTIFICATION

- F2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE (IF APPLICABLE)

- F3. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

### STORAGE AND HANDLING OF WASTE

- F4. All waste collection services must be undertaken in accordance with this consent.
- F5. Waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council.
- F6. 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.
- F7. 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.

### LOADING/UNLOADING

- F8. All loading and unloading operations associated with the site must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

### ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F9. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F10. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F11. 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.

### NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F12. 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.

### OPERATION OF PLANT AND EQUIPMENT

- F13. All plant and equipment used in the development, or used 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.

### ADVANCE TREE PLANTING

- F14. Tree planting within the property must be undertaken in accordance with the following conditions, and to the Planning Secretary's satisfaction, prior to ~~the issue of any Occupation Certificate~~ **occupation**.
- (a) Tree Planting must be undertaken in accordance with the Landscape Plans prepared by Arterra dated 10 May 2023
  - (b) The tree must be grown in accordance with the Australian Standard 2303 'Trees stock for landscape use'
  - (c) The tree must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF)
  - (d) The tree/s 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) Prior to ~~the issue of any Occupation Certificate~~ **occupation**, suitable documentation (including a written statement and photographic evidence) is to be submitted to the Certifier confirming all trees have been planted satisfactorily (excluding tree maintenance).
  - (f) 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
  - (g) The tree/s 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.

**GREEN TRAVEL PLAN**

- F15. The Green Travel plan approved under this consent shall be implemented following occupation of the development.  
The Green Travel Plan is to be reviewed and updated every three years.

## ADVISORY NOTES APPEALS

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

### OTHER APPROVALS AND PERMITS

AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### 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.

### ROAD OCCUPANCY LICENCE

AN4. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SAFEWORK REQUIREMENTS

AN5. 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 requirements.

### HOARDING REQUIREMENTS

AN6. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### HANDLING OF ASBESTOS

AN7. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### DISABILITY DISCRIMINATION ACT

AN8. 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.

AN9. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC 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

AN10. 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.

AN11. 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 Agriculture, Water and Environment 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

AN12. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can 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).

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