

# Development Consent – Key Sites

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

As delegate of the Minister for Planning and Public Spaces, 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



06/10/2020

**Anthea Sargeant**  
**Executive Director**  
**Regions, Industry and Key Sites**

Sydney

2020

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### **SCHEDULE 1**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Application Number:</b> | 9194                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Applicant:</b>          | Wee Hur Capital Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Site:</b>               | 13-23 Gibbons Street, Redfern (SP 60485)                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Development:</b>        | <p>Demolition of existing structures and construction of an 18-storey student accommodation building comprising:</p> <ul style="list-style-type: none"><li>• 419 student accommodation beds</li><li>• communal student facilities, including lounge areas, games room, gymnasium and external terraces on levels 2, 3 and 4</li><li>• one ground floor retail tenancy</li><li>• new through-site link, public domain and landscaping works.</li></ul> |

## DEFINITIONS

|                                   |                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Accredited Certifier</b>       | Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies                                                                                                                                                                                         |
| <b>Advisory Notes</b>             | Advisory information relating to the consent but do not form part of this consent                                                                                                                                                                                                                                                                                      |
| <b>Applicant</b>                  | Wee Hur Capital Ltd, or any person carrying out any development to which this consent applies                                                                                                                                                                                                                                                                          |
| <b>BCA</b>                        | Building Code of Australia                                                                                                                                                                                                                                                                                                                                             |
| <b>BC Act</b>                     | <i>Biodiversity Conservation Act 2016</i>                                                                                                                                                                                                                                                                                                                              |
| <b>CEMP</b>                       | Construction Environmental Management Plan                                                                                                                                                                                                                                                                                                                             |
| <b>Certifier</b>                  | Means a council or accredited certifier                                                                                                                                                                                                                                                                                                                                |
| <b>CNVMP</b>                      | Construction Noise and Vibration Management Plan                                                                                                                                                                                                                                                                                                                       |
| <b>Conditions of this consent</b> | Conditions contained in Schedule 2 of this document                                                                                                                                                                                                                                                                                                                    |
| <b>Construction</b>               | All physical work to enable operation                                                                                                                                                                                                                                                                                                                                  |
| <b>Council</b>                    | City of Sydney Council                                                                                                                                                                                                                                                                                                                                                 |
| <b>CPTED</b>                      | Crime Prevention Through Environmental Design                                                                                                                                                                                                                                                                                                                          |
| <b>CPTMP</b>                      | Construction Pedestrian and Traffic Management Plan                                                                                                                                                                                                                                                                                                                    |
| <b>Day</b>                        | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays                                                                                                                                                                                                                                                                    |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site                                                                                                                                                                                                                                                                                    |
| <b>Department</b>                 | NSW Department of Planning, Industry and Environment                                                                                                                                                                                                                                                                                                                   |
| <b>Development</b>                | The development described in the EIS and Response to Submissions, including the works and activities comprising the student accommodation project, as modified by the conditions of this consent                                                                                                                                                                       |
| <b>EESG</b>                       | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)                                                                                                                                                                                                                          |
| <b>EIS</b>                        | The Environmental Impact Statement titled ' <i>Student Accommodation, 13-23 Gibbons Street, Redfern</i> ', prepared by CW Strategic Planning Services and dated January 2019, and accompanying appendices 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                                                                                                                                                                                                                                     |
| <b>EPA</b>                        | NSW Environment Protection Authority                                                                                                                                                                                                                                                                                                                                   |
| <b>EP&amp;A Act</b>               | <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                                                                                                                                                                                  |
| <b>EP&amp;A Regulation</b>        | <i>Environmental Planning and Assessment Regulation 2000</i>                                                                                                                                                                                                                                                                                                           |
| <b>ESD</b>                        | Ecologically Sustainable Development                                                                                                                                                                                                                                                                                                                                   |
| <b>Evening</b>                    | The period from 6 pm to 10 pm                                                                                                                                                                                                                                                                                                                                          |
| <b>Feasible</b>                   | Means what is possible and practical in the circumstances                                                                                                                                                                                                                                                                                                              |
| <b>GFA</b>                        | Gross Floor Area                                                                                                                                                                                                                                                                                                                                                       |
| <b>Incident</b>                   | An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance<br>Note: "material harm" is defined in this consent                                                                                                                                                                       |
| <b>Land</b>                       | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act                                                                                                                                                                                                                                                                                      |
| <b>Material harm</b>              | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the</li> </ul>                       |

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)

|                                               |                                                                                                                                                                                                                  |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Minister</b>                               | NSW Minister for Planning and Public Spaces (or delegate)                                                                                                                                                        |
| <b>Night</b>                                  | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays                                                                                                            |
| <b>Non-compliance</b>                         | An occurrence, set of circumstances or development that is a breach of this consent                                                                                                                              |
| <b>Operation</b>                              | The carrying out of the approved purpose of the development upon completion of construction                                                                                                                      |
| <b>OPM</b>                                    | Operational Plan of Management                                                                                                                                                                                   |
| <b>OWMP</b>                                   | Operational Waste Management Plan                                                                                                                                                                                |
| <b>Planning Secretary</b>                     | Planning Secretary under the EP&A Act, or nominee                                                                                                                                                                |
| <b>POEO Act</b>                               | <i>Protection of the Environment Operations Act 1997</i>                                                                                                                                                         |
| <b>Reasonable</b>                             | Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements |
| <b>Rehabilitation</b>                         | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting                                                                                         |
| <b>Response to Submissions (RTS)</b>          | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act                                                              |
| <b>Revised Response to Submissions (RRTS)</b> | The Applicant's revised response to issues raised in submissions received in relation to the application (RTS) for consent for the development under the EP&A Act                                                |
| <b>SSD</b>                                    | State Significant Development                                                                                                                                                                                    |
| <b>Subject Site</b>                           | Land referred to in Schedule 1                                                                                                                                                                                   |
| <b>TfNSW</b>                                  | Transport for NSW                                                                                                                                                                                                |
| <b>TfNSW (RMS)</b>                            | Transport for NSW (Roads and Maritime Services)                                                                                                                                                                  |
| <b>WMP</b>                                    | Waste Management Plan                                                                                                                                                                                            |

## 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) in accordance with the EIS, RTS and RRTS. If the EIS, RTS and RRTS are inconsistent with the conditions of consent, the conditions shall prevail; and
  - (d) in accordance with the approved plans in the table below. If the approved plans are inconsistent with the conditions of consent, the conditions of consent shall prevail.

| Architectural Drawings prepared AJ&C Architects   |          |                                                     |            |
|---------------------------------------------------|----------|-----------------------------------------------------|------------|
| Drawing No.                                       | Revision | Name of Plan                                        | Date       |
| DA1001                                            | 4        | Site Plan                                           | 15/07/2020 |
| DA1004                                            | 1        | Demolition Plan                                     | 10/01/2019 |
| DA2001                                            | 15       | Basement and Level 1                                | 15/07/2020 |
| DA2002                                            | 11       | Level 2 and 3                                       | 21/08/2020 |
| DA2003                                            | 11       | Level 4                                             | 15/07/2020 |
| DA2004                                            | 10       | Level 5-6 and Typical Tower Plan                    | 15/07/2020 |
| DA2005                                            | 8        | Plant and Roof Plan                                 | 03/04/2020 |
| DA3001                                            | 10       | Elevation North and East                            | 15/07/2020 |
| DA3002                                            | 11       | Elevation South and West                            | 21/08/2020 |
| DA3003                                            | 2        | Material Board                                      | 25/09/2019 |
| DA3104                                            | 9        | Sections                                            | 15/07/2020 |
| DA5100                                            | 3        | Adaptable Unit Plans                                | 21/08/2020 |
| DA5103                                            | 8        | GFA Diagrams                                        | 15/07/2020 |
| DA5106                                            | 6        | Signage Detail                                      | 14/07/2020 |
| Landscape Drawings prepared by Turf Design Studio |          |                                                     |            |
| Drawing No.                                       | Revision | Name of Plan                                        | Date       |
| L-DA-11                                           | D        | Tree Management Plan                                | 06/07/20   |
| L-DA-12                                           | D        | Landscape Plan – Ground Floor Structure Plan        | 06/07/20   |
| L-DA-13                                           | D        | Landscape Plan – Ground Floor Tree Planting Overlay | 06/07/20   |

|         |   |                                           |          |
|---------|---|-------------------------------------------|----------|
| L-DA-14 | D | Landscape Plan – Level 4 Communal Terrace | 06/07/20 |
| L-DA-15 | D | Hardscape – Material Palette              | 06/07/20 |
| L-DA-16 | D | Softscape - Ground                        | 06/07/20 |
| L-DA-17 | D | Softscape – Level 4 Communal Terrace      | 06/07/20 |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(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(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)**, 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 of the consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve:
- (a) strata subdivision
  - (b) retail premises, including food and drink premises', fit-out and hours of operation
  - (c) installation of signage.
- Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

#### PRESCRIBED CONDITIONS

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

#### LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### LEGAL NOTICES

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

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A10. Within three months of:
- (a) the submission of a Compliance Report under **Conditions C7 to C9**;
  - (b) the submission of an incident report under **Condition A13**;
  - (c) the submission of an Independent Audit under **Condition C10**;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under **Condition A3** 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.

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.

## EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STRUCTURAL ADEQUACY

- A12. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A13. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

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

## NON-COMPLIANCE NOTIFICATION

- A14. 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 PCA 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.
- A15. 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.
- A16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## MONITORING AND ENVIRONMENTAL AUDITS

- A17. 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 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.

## APPLICABILITY OF GUIDELINES

- A18. 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.
- A19. 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.

## OPERATION OF PLANT AND EQUIPMENT

- A20. 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.

## **PLANNING SYSTEM ACCELERATION PROGRAM**

- A21. Within six months of the date of this consent being granted, the Applicant must provide a report to the Planning Secretary describing how the Stage 1 development has commenced in line with its inclusion in the Planning System Acceleration Program.

## **PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE**

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

### **EXTERNAL WALLS AND CLADDING**

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

### **LANDSCAPE PLAN**

- B5. A detailed landscape plan must be prepared in consultation with Council and is to include/demonstrate the following:
- o a minimum of 13 trees at ground level with minimum pot sizes of 200 litres and 2.5 m height at the time of planting
  - o a plant schedule, demonstrating compliance with Council's Street Tree Masterplan and Tree Management Policy, including species, location, soil depths and maximum height at maturity
  - o maintenance, drainage, waterproofing and irrigation system.

A copy of the Landscape Plan, including evidence of consultation with Council and their comments, shall be provided to the Planning Secretary.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

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

### **GROSS FLOOR AREA (GFA) CERTIFICATION**

- B7. The GFA of the building must not exceed 10,513 m<sup>2</sup>. Details confirming compliance must be submitted to the Certifier prior to the issue of any Construction Certificate.

### **MAXIMUM HEIGHT**

- B8. The maximum height of the approved building must not exceed RL 84.6 m AHD, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Construction Certificate.

### **REDFERN-WATERLOO CONTRIBUTIONS PLAN 2006**

- B9. Prior to issue of any Construction Certificate, a contribution of \$1,287,000 must be paid in accordance with the provisions of the Redfern-Waterloo Authority Contributions Plan. Alternatively, the contribution can be waived if the Applicant undertakes public domain works to a minimum value of \$1,287,000. The works may include pavement treatment, improved lighting, landscaping and street tree planting.

If a credit for public domain works is sought, the Applicant must provide an outline of the proposed works and estimated cost to Council and Infrastructure NSW and obtain their written agreement prior to the issue of any Construction Certificate.

### **AFFORDABLE HOUSING CONTRIBUTION**

- B10. Prior to the issue of any Construction Certificate, an affordable housing contribution of \$669,671 (based on a rate of \$86.88 m<sup>2</sup>/GFA) must be paid in accordance with the provisions of the Redfern-Waterloo Authority Affordable Housing Contributions Plan.

Evidence demonstrating compliance with the above must be provided to Infrastructure NSW and the Planning Secretary prior to issue of any Construction Certificate.



## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B11. All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Report, prepared by Northrop, dated 7 January 2019, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of **Condition B12** below and to the satisfaction of the Certifier.
- B12. Prior to the issue of the relevant Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Report.

## ROAD AND RAIL NOISE AND VIBRATION CRITERIA FOR SENSITIVE DEVELOPMENTS

- B13. The building must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the buildings comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008). Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issuing of the relevant Construction Certificate.

## SYDNEY TRAINS

- B14. Prior to the issuing of any Construction Certificate, the Applicant must prepare and provide to Sydney Trains for approval/ certification the following final version items in compliance with the ASA Development Near Rail Tunnels:
- (a) geotechnical and structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor;
  - (b) construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements;
  - (c) cross sectional drawings showing the rail corridor, sub soil profile, proposed excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor;
  - (d) detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land;
  - (e) if required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor; and
  - (f) if required by Sydney Trains, a Monitoring Plan.

The Certifier is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming the requirements of this condition have been satisfied.

## COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B15. Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Certifier demonstrating compliance with the recommendations of the Environmental Wind Tunnel Test, prepared by SLR Consulting Pty Ltd, dated July 2020, subject to the landscaping requirements contained in **Condition B5**.

## ALIGNMENT LEVELS

- B16. Prior to the issue of the relevant Construction Certificate, alignment levels for the building and site frontages must be submitted to, and approved by, Council. The submission must be prepared by a Registered Surveyor, must be in accordance with Council's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).

These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for the relevant Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved alignment levels, then an amended Alignment Levels submission must be submitted to, and approved by, Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

## PRESERVATION OF SURVEY MARKS

- B17. All works in Council's streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark, contact must be made with Council's Project Manager Survey/Design Services to arrange for the recovery of the mark.

Prior to the issue of the relevant Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 m on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 m of a permanent survey mark contact must be made with Council's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with Council's Schedule of Fees and Charges (Reinstatement of Survey Box).

## **PUBLIC DOMAIN PLAN**

- B18. A detailed **Public Domain Plan** must be lodged with Council's Public Domain Section and approved by Council prior to issue of the relevant Construction Certificate. The **Public Domain Plan** is to be submitted with a completed Public Domain Plan checklist (available in Council's *Public Domain Manual*).

The **Public Domain Plan** must document all works required to ensure that the public domain complies with Council's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements.

The **Public Domain Plan** must incorporate the approved Alignment Levels (**Condition B16**). If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to, and approved by, Council to reflect these changes prior to the relevant Construction Certificate.

## **PUBLIC DOMAIN DAMAGE DEPOSIT**

- B19. Prior to issue of the relevant Construction Certificate for public domain work or above ground building work, whichever is later, a Public Domain Damage Deposit must be lodged with Council in accordance with Council's adopted Schedule of Fees and Charges and *Public Domain Manual*.

The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

Council's Public Domain Section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to any Construction Certificate being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **PUBLIC DOMAIN LIGHTING**

- B20. Prior to the issue of the relevant Construction Certificate for public domain works, a detailed **Public Domain Lighting Plan** for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer, and must be submitted to and approved by Council. The **Public Domain Lighting Plan** must be prepared in accordance with Council's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:

- (a) vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by Council; the location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with Council policies and Australian Standards; footing locations and structural details; location and details of underground electrical reticulation, connections and conduits; certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with Council policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282; and structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with relevant Council policies and Australian Standards.

## **PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER**

- B21. Prior to the relevant Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work, is to be determined with, and approved by, Council's Public Domain section in accordance with Council's *Public Domain Manual* and *Sydney Streets Technical Specification*.

## **STORMWATER AND DRAINAGE**

- B22. Prior to the issue of the relevant Construction Certificate (excluding approved preparatory or demolition work), details of the proposed stormwater disposal and drainage from the development, including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths, must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- B23. The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- B24. Any proposed connection to Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant, prior to issue of the relevant Construction Certificate for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way (excluding demolition, remediation and preparatory works).
- An "Application for Approval of Stormwater Drainage Connections" must be submitted to Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- B25. Prior to the issue of the relevant Construction Certificate, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

#### **DRAINAGE AND SERVICE PIT LIDS**

- B26. Drainage and service pit lids throughout the public domain shall be heel guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to issue of the relevant Construction Certificate.

#### **STRUCTURAL DETAILS**

- B27. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

#### **SCHEDULE OF MATERIALS**

- B28. Prior to the issue of the relevant Construction Certificate a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifier with the application for the relevant Construction Certificate.

#### **REFLECTIVITY**

- B29. The building materials used on the facades of the building shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed to minimise glare. A report/statement demonstrating compliance with these requirements is to be submitted to the Certifier prior to issue of the relevant Construction Certificate.

#### **PUBLIC ART STRATEGY**

- B30. Prior to issue of the relevant Construction Certificate, a detailed **Public Art Strategy** shall be submitted to the Planning Secretary. The Strategy must incorporate the recommendations of the Integration of Aboriginal Cultural Values into Development Design Report submitted with the EIS (dated 14 December 2018), and contain the final design, materials, finishes, construction methodology, ownership, and ongoing maintenance methodology and associated budgeting arrangements.

#### **HERITAGE INTERPRETATION PLAN**

- B31. A detailed **Heritage Interpretation Plan** must be prepared in accordance with the recommendations of the Heritage Interpretation Strategy submitted with the EIS (dated 14 December 2018).

#### **GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN**

- B32. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- (a) Certification that the civil and structural details of all subsurface structures are designed to:
  - provide appropriate support and retention to neighbouring property;
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and

- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (b) A **Geotechnical Monitoring Plan (GMP)** to be implemented during construction that:
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
  - details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the **GMP** is to be submitted to the Certifier prior to the commencement of any works. Copies of the certification and **GMP** must be provided to TfNSW and the Planning Secretary.

### **MECHANICAL PLANT NOISE MITIGATION**

- B33. Details of noise mitigation measures for all mechanical plant are to be detailed on the relevant Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy is required to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

### **MECHANICAL VENTILATION**

- B34. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B35. The mechanical exhaust system for the ground floor retail tenancy is to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that the tenancy is approved for future use as a food premises or other use which requires mechanical exhaust.

### **BASIX CERTIFICATION**

- B36. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1045175M (dated 11 September 2020), and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

- B37. The building must incorporate all design, operation and construction measures as identified in the ESD Strategy, prepared by SLR Consulting Australia Pty Ltd, dated April 2020. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

### **SYDNEY WATER REQUIREMENTS**

- B38. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of the relevant Construction Certificate (excluding demolition, remediation and site preparation works).

### **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)**

- B39. All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B40. All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to issue of the relevant Construction Certificate for services and finishes works.
- B41. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

- B42. Systems should include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### **BICYCLE PARKING**

- B43. A minimum of 130 bicycle parking spaces are to be provided for students and staff (including staff from the retail tenancy).

The layout, design and security of all bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015*.

Details demonstrating compliance with these requirements must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### **STORAGE AND HANDLING OF WASTE**

- B44. The design of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Policy for Waste Minimisation in New Developments 2005*.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### **ACCESS FOR PEOPLE WITH DISABILITIES**

- B45. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

#### **SANITARY FACILITIES FOR DISABLED PERSONS**

- B46. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

#### **OUTDOOR LIGHTING**

- B47. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

- B48. To minimise the opportunity for crime, details of compliance with the CPTED principles, the relevant recommendations provided in the CPTED Report, prepared by Elton Consulting, dated 24 October 2019, shall be implemented. Details demonstrating compliance with the requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

#### **TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

- B49. All tactile ground surface indicators, handrails and other elements required to provide access into the building/property, must be located entirely within the private property boundary.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

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

### CERTIFIED PLANS

- C3. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### ACCESS TO INFORMATION

- C4. 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;
    - (xi) audit reports prepared as part of any Independent 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.

### COMMUNITY COMMUNICATION STRATEGY

- C5. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C6. The Community Communication Strategy must:
  - (a) identify people to be consulted during the design and construction phases;
  - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
  - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
  - (d) set out procedures and mechanisms:
    - (i) through which the community can discuss or provide feedback to the Applicant;
    - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
    - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communication Strategy must be submitted to the Certifier and the Planning Secretary no later than one month before the commencement of any work.

The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

## COMPLIANCE REPORTING

- C7. No later than 2 weeks before the date notified for the commencement of construction, a **Compliance Monitoring and Reporting Program**, prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018), must be submitted to the Department.
- C8. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C9. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

## COMPLIANCE

- C10. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- C11. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

## PRE-CONSTRUCTION DILAPIDATION REPORT

- C12. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifier prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council and each of the affected property owners.

The **Pre-Construction Dilapidation Report** shall also include a photographic recording of the public domain site frontages and must be submitted to Council. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:

- (a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) each image is to be numbered and cross referenced to a site location plan;
- (d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record; and
- (e) include written confirmation, issued with the authority of both the Applicant and the photographer that Council is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

## CONTAMINATION

- C13. Prior to the commencement of any works, an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be submitted to the satisfaction of the Certifier.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C14. Prior to the commencement of any works, a **Construction Environmental Management Plan (CEMP)** shall be submitted to the Certifier. The **CEMP** shall address, but not be limited to, the following matters where relevant:
- 1. hours of work;
  - 2. 24-hour contact details of site manager;
  - 3. traffic management;
  - 4. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
  - 5. erosion and sediment control;

6. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  7. an asbestos management plan;
  8. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
  9. flora and fauna management.
- ii. The **CEMP** must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.
  - iii. The applicant shall submit a copy of the **CEMP** to the Department and to the Council, prior to commencement of work.

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

- C15. Prior to the commencement of works, the Applicant shall prepare a detailed **Construction Pedestrian and Traffic Management Plan (CPTMP)** which takes into account other construction projects (including the Sydney Metro City and Southwest project) in the area.

The **CPTMP** shall demonstrate that the construction impacts on the road network, bus operation and pedestrian/cyclist safety and movements can be managed. The **CPTMP** should be prepared in consultation with TfNSW (RMS) and Council. The final **CPTMP** must be endorsed by the CBD Coordination Office within TfNSW and Council prior to the commencement of any works.

A copy of the final **CPTMP**, endorsed by the CBD Coordination Office, is to be provided to Council and the Planning Secretary.

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

- C16. Prior to the commencement of any construction work (including demolition), a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifier. The **CNVMP** shall (but not be limited to):
- (a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
  - (b) identify nearby sensitive receivers and land uses;
  - (c) identify the noise management levels for the project;
  - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
  - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
  - (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report, prepared by Northrop, dated 7 January 2019;
  - (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
  - (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the **CNVMP** must be submitted to Council and the Planning Secretary.

#### **AIR QUALITY AND ODOUR MANAGEMENT PLAN**

- C17. Prior to the commencement of work, an **Air Quality and Odour Management Plan (AQOMP)** must be prepared and submitted to the Certifier. The **AQOMP** must recommend measures to minimise and manage any odours arising from excavation, stockpiling and, if applicable, removal of contaminated soils including, but not limited to:
- (a) staged excavation to limit the surface area of exposed odorous material;
  - (b) application of odour suppressants;
  - (c) effective covering of stockpiles and truckloads of excavation spoil; and
  - (d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.

The **AQOMP** must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.

#### **WASTE MANAGEMENT PLAN**

- C18. Prior to the commencement work, a **Waste Management Plan (WMP)** must be prepared and submitted to the Certifier. The **WMP** must:
- (a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;



- (b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- (c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- (d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
- (e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the site; and
- (f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour.

The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*.

## **CONTROLLED ACTIVITIES WITHIN PROTECTED AIRSPACE**

- C19. For the purposes of controlled activities within the protected airspace of Sydney Airport, the Building must not exceed a maximum height of RL 87.93 m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, lighting rods, any roof top garden plantings, exhaust flues etc.

Construction cranes may be required to operate at a height significantly higher than that of the approved building and consequently, may not be approved under the *Airports (Protection of Airspace) Regulations 1996*. Separate approval must therefore be sought under the *Airports (Protection of Airspace) Regulations 1996*, prior to the commencement of works, for any cranes required to construct the building.

## **UTILITY SERVICES**

- C20. Prior to the commencement of work, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- C21. Prior to the commencement of work, 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 provision of adequate services.

## **PROTECTION OF SURVEY INFRASTRUCTURE**

- C22. Prior to the commencement of any work on site, a statement, prepared by a Surveyor registered under the *Surveying Act 2002*, must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be, or have been destroyed, must be replaced and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

## **SYDNEY TRAINS**

- C23. Prior to the commencement of works or at any time during the works deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Trains and the Applicant. The Applicant shall then prepare a Dilapidation Report/Survey which will establish the extent of any existing damage. The Dilapidation Report/Survey shall be submitted to Sydney Trains unless otherwise notified by Sydney Trains.
- C24. Details of machinery to be used during excavation/construction are to be submitted to Sydney Trains for review and endorsement prior to the commencement of works.
- C25. Prior to the commencement of works, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for the relevant Construction Certificate.
- C26. Prior to the commencement of works, the Applicant is to contact Sydney Trains Engineering Management Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance shall be for the sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this development.
- C27. Prior to the commencement of works, the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works.

## **HOARDINGS**

- C28. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:
- (a) architectural, construction and structural details of the design as well as proposed artwork; and
  - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

## **BARRICADE PERMIT**

- C29. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

## **ROAD OCCUPANCY LICENCE**

- C30. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

Note: A construction zone will not be permitted on Gibbons Street.

## **EXCAVATION OF THE SITE**

- C31. Design drawings and documents relating to the excavation of the site and support structures shall be submitted to TfNSW (RMS) for assessment, in accordance with Technical Direction GTD2012/001, at least six (6) weeks prior to commencement of excavation. The Applicant is to meet the full cost of the assessment by TfNSW (RMS).

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

## **STORMWATER DRAINAGE SYSTEM**

- C32. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW (RMS) for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond may be required before approval is issued.

## **TREE REMOVAL**

- C33. All tree removal works are to be undertaken by a qualified Level 3 arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007

## PART D DURING CONSTRUCTION

### DEMOLITION

- D1. 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 PCA before the commencement of works.

### CONSTRUCTION HOURS

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
  - (b) between 7.30 am and 3.30 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. 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.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of the **CEMP**, **CPTMP**, **CNVMP**, **AQOMP**, **GMP**, **UFP** and **WMP** required by **Parts B and C** of this consent are implemented during construction.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D8. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- D9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D10. Heavy vehicles and oversized vehicles must not queue or idle on Gibbons Street, Margaret Street or William Lane outside of construction zones awaiting access to the site.
- D11. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D12. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- D13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
  - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
  - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
  - (d) these limits apply unless otherwise outlined in the **CEMP**.

## APPROVED PLANS TO BE ON-SITE

- D14. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the PCA.

## SITE NOTICE

- D15. A site notice(s) shall be prominently displayed at the boundaries of 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) the notice is to be able to be read by the general public;
  - (b) the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

## DISPOSAL OF SEEPAGE AND STORMWATER

- D16. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

## SYDNEY TRAINS

- D17. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25 m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- D18. No rock anchors/bolts, ground anchors or rock tiles, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, concrete beams or cut rock faces are to be installed into Sydney Trains property or easements.
- D19. Sydney Trains or TfNSW, and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures, to enable it to consider whether those structures have been, or are being, constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- D20. Written notice must be given to Sydney Trains at least 5 business days before any of the following events occur within 25 m of rail corridor land:
- (a) site investigations;
  - (b) foundation, pile and anchor set out;
  - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - (d) foundation, pile and anchor excavation;
  - (e) other excavation;
  - (f) surveying of foundation, pile and anchor excavation and surveying as-built excavations;
  - (g) other concreting; or
  - (h) any other event that Sydney Trains has notified to the Applicant.

## COVERING OF LOADS

- D21. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## VEHICLE CLEANSING

- D22. 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.

## WASTE MANAGEMENT

- D23. Notwithstanding the **WMP** referred to in **Condition C21**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;

- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

#### **STOCKPILE MANAGEMENT**

D24. The Applicant must ensure that:

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

#### **DUST CONTROL MEASURES**

D25. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

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

#### **NO OBSTRUCTION OF THE PUBLIC WAY**

D26. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

#### **DAMAGE TO THE PUBLIC WAY**

D27. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

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

D28. All erosion and sediment control measures are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

#### **SETTING OUT OF STRUCTURES**

D29. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifier certifying that structural works are in accordance with the approved development application.

#### **IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS**

D30. If non-Aboriginal historical archaeological deposits are discovered unexpectedly during works, the deposits must be dealt with according to the unexpected finds procedure contained in the **Statement of Heritage Impact (Condition A2(c))**.

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

- D31. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Council must also be informed. Relevant works must not recommence until written authorisation from EESG is received by the Applicant.

## **ASBESTOS AND HAZARDOUS WASTE REMOVAL**

- D32. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- D33. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D34. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

## **CONTAMINATION**

- D35. The Applicant must implement the **UFP** (see **Condition C16**) for the duration of construction. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

## **SAFework NSW REQUIREMENTS**

- D36. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

## **HOARDING/FENCING REQUIREMENTS**

- D37. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## **LOADING AND UNLOADING DURING CONSTRUCTION**

- D38. The following requirements apply:
- (a) all loading and unloading associated with demolition and construction must be accommodated on-site;
  - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

## **CONTACT TELEPHONE NUMBER**

- D39. The Applicant shall 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.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building.

### GFA AND HEIGHT CERTIFICATION

- E2. A Registered Surveyor is to certify that the GFA of the building does not exceed 10,513 m<sup>2</sup> and the height of the building does not exceed 18-storeys and RL 84.6 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.
- E3. Prior to the issue of any Occupation Certificate, a certified surveyor must provide written notification to the Sydney Airport Corporation Ltd (SACL) Airfield Design Manager of the finished height of the building.

### COMPLETION OF PUBLIC DOMAIN/ROAD IMPROVEMENT WORKS

- E4. Prior to the issue of any Occupation Certificate, evidence of the costs and satisfactory completion of the public domain and/or road improvement works referred to in **Condition B9** must be provided to Council and Infrastructure NSW.

### OPERATIONAL PLAN OF MANAGEMENT

- E5. Prior to the occupation or commencement of use, a detailed **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with Council and NSW Police. The **OPM** shall address (but not be limited to):
- (a) management of communal areas, coffee kiosk and open spaces (see **Conditions F2 to F5**);
  - (b) loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting;
  - (c) tenant induction and education programs regarding use of the building's environmental systems; and
  - (d) community consultation and complaint management.

### TREE PLANTING, LANDSCAPING AND PUBLIC DOMAIN WORKS

- E6. All tree planting, landscaping and public domain works approved by **Condition A2**, must be completed in accordance with the approved plans, including the detailed landscape plan (see **Condition B5**), prior to the issue of the relevant Occupation Certificate.

### ROAD DAMAGE

- E7. 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 met in full by the Applicant/developer prior to the commencement of use.

*Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

### SYDNEY WATER COMPLIANCE

- E8. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

### UTILITY PROVIDERS

- E9. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

### EASEMENT FOR PUBLIC ACCESS

- E10. Prior to the issue of any Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land, of variable width, extending from the northern alignment of Margaret Street to the termination of William Lane passing between the proposed development and the western boundary of 104-116 Regent Street, Redfern as shown on the approved plan (DA 2001 015) for the development. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, with or without vehicles (with any vehicular access to be subject to Council's agreement and approval), to Council's satisfaction.

## POSITIVE COVENANT

- E11. Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

## SYDNEY TRAINS

- E12. Prior to the issuing of any Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Trains and the Applicant, resulting in a Final Dilapidation Report/Survey. The Final Dilapidation Report/Survey will enable any deterioration during construction to be observed. No Occupation Certificate shall be issued until written confirmation has been received from Sydney Trains confirming their satisfaction with the Final Dilapidation Report/Survey and/or rectification of any damage.
- E13. Prior to the issuing of any Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Trains. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

## POST-CONSTRUCTION DILAPIDATION REPORT

- E14. Prior to the issue of any Occupation Certificate:
- (a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - (b) The report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) A copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.

## COMPLETION OF PUBLIC DOMAIN WORKS

- E15. The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- E16. Prior to a Certificate of Completion being issued for public domain works and prior to the issue of any Occupation Certificate, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to, and accepted by, Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.
- E17. All works to the City's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.
- E18. The public domain lighting works are to be completed in accordance with the approved plans, TfNSW (RMS) requirements and Council's *Public Domain Manual* before any Occupation Certificate is issued.

## STORMWATER AND DRAINAGE

- E19. Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

## STRUCTURAL INSPECTION CERTIFICATE

- E20. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifier prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with



an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **ENVIRONMENTAL PERFORMANCE**

- E21. Prior to the issue of the any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 1045175M (dated 11 September 2020).
- E22. All non-residential environmental commitments referred to in **Conditions B39 to B42** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- E23. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the SLR Consulting Australia Pty Ltd, dated April 2020 (see **Condition B37**).

#### **MECHANICAL VENTILATION**

- E24. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifier, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
  - (a) the BCA;
  - (b) *Australian Standard AS1668* and other relevant codes;
  - (c) the development consent and any relevant modifications; and,
  - (d) any dispensation granted by Fire and Rescue NSW.

#### **NUMBERING**

- E25. Prior to the issue of any Occupation Certificate, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- E26. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the CPTED Report, prepared by Elton Consulting, dated 24 October 2019, (see **Condition B48**) have been implemented.

#### **WIND MITIGATION MEASURES**

- E27. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all wind mitigation recommendations of the Environmental Wind Tunnel Test, prepared by SLR Consulting Pty Ltd, dated July 2020 (see **Condition B15**).

#### **FIRE SAFETY CERTIFICATION**

- E28. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

#### **SANITARY FACILITIES FOR DISABLED PERSONS**

- E29. Prior to occupation and commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B46**.

#### **BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION**

- E30. Prior to the issue of the relevant Occupation Certificate, details shall be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces and facilities for cyclists required under **Condition B45**.

#### **WASTE AND RECYCLING COLLECTION**

- E31. Prior to the issue of any Occupation Certificate, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, through-site link and reserves at any time.

- E32. A detailed **Operational Waste Management Plan (OWMP)** detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

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

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements, including use of the through-site link and operation of removable bollards.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials, and implementation of a booking system for all deliveries and loading/unloading activities within the TSL.

Prior to the issue of any Occupation Certificate, the owner or Applicant is required to contact Council's City Services Department, to make the necessary arrangements for the collection of waste from the premises. The waste storage areas shall be clearly signposted.

- E33. Prior to the relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifier must ensure that waste handling works have been completed in accordance with the **OWMP**.

#### **ACOUSTIC COMPLIANCE**

- E34. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B33** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

#### **PUBLIC ART STRATEGY IMPLEMENTATION**

- E35. Prior to issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all elements of the detailed **Public Art Strategy** required under **Condition B30**, have been implemented, including ongoing maintenance and associated budgeting arrangements.

#### **HERITAGE INTERPRETATION PLAN IMPLEMENTATION**

- E36. Prior to issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all elements of the detailed **Heritage Interpretation Plan** required under **Condition B31**, have been implemented.

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

- E37. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E38. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

## **PART F POST OCCUPATION – DURING OPERATION**

### **OPERATIONAL PLAN OF MANAGEMENT**

F1. The **OPM** (see **Condition E5**) and all relevant plans must be fully implemented during use of the premises.

### **OPERATIONAL RESTRICTIONS**

- F2. The use of the communal facilities, including the external terraces on levels 2, 3 and 4, is restricted to residents and their guests.
- F3. Use of the communal open space areas is restricted to 7 am to 10 pm Monday to Saturday and 8 am to 9 pm Sundays and public holidays.
- F4. Amplified noise/music and consumption of alcohol is prohibited within the communal open space areas.
- F5. Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.

### **FIRE SAFETY CERTIFICATE**

F6. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E28** of this consent.

### **NOISE CONTROL – PLANT AND MACHINERY**

- F7. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
  - (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

### **LOADING AND UNLOADING**

- F8. All loading and unloading operations associated with the site must be carried out:
- (a) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and
  - (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.
- F9. All vehicles must enter and exit the site in a forward direction.

### **WASTE MANAGEMENT**

F10. Waste Management shall be undertaken in accordance with the **OWMP** (see **Condition E32**).

### **NO OBSTRUCTION OF THE PUBLIC WAY**

F11. The public way must not be obstructed by any materials, waste, vehicles, refuse, skips or the like under any circumstances.

### **FUTURE SIGNAGE**

F12. All future signage shall be located within the approved signage zones consistent with drawing DA5106 (**Condition A2**). Future signage must be for building or business identification purposes only and must not include advertising of goods, products or services. Any signage illumination must not exceed Australian Standards.

### **OUTDOOR FURNITURE**

F13. Lightweight furniture is not permitted within communal open space areas unless securely attached to the floor slab. Use of loose glass-tops and lightweight sheets or covers is not permitted.

### **ANTI-GRAFFITI**

F14. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

#### **PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE**

- F15. Within six months of the issue of the final Occupation Certificate, a Plan of Management for the ongoing maintenance of landscaped areas and tree planting is to be prepared and adopted by the operator of the student accommodation.

#### **CAR PARKING PERMITS**

- F16. Residents are not permitted to obtain on-street car parking permits from City of Sydney Council.

## ADVISORY NOTES

### APPEALS

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

### OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council's Public Domain unit or other relevant authority for all necessary permits, including crane permits, road opening permits, stormwater drainage, footpaths, kerb and gutter, street trees, street lighting and signage, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### TEMPORARY STRUCTURES

AN4.

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

### DISABILITY DISCRIMINATION ACT

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

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

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

### BUILDING PLAN APPROVAL

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

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

### WORKS AND SIGNPOSTING

AN8. All works and signposting (including any adjustment/relocation works) shall be at no cost to RMS.

## END OF ADVISORY NOTES

## **APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A14 or, having given such notification, subsequently forms the view that an incident has not occurred.

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

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.

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.