

Development Consent

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

As delegate of the Minister for Planning and Environment under delegation dated 14 September 2011, we the Planning Assessment Commission, approve the Development Application referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

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



Abigail Goldberg
Member of the Commission



Paul Forward
Member of the Commission



Dr Maurice Evans
Member of the Commission

Sydney

25 August 2015

SCHEDULE 1

Application No.:

SSD 6724

Applicant:

Iglu Pty Limited

Consent Authority:

Minister for Planning

Land:

60-78 Regent Street, Redfern

Development:

Mixed Use Student Accommodation and Retail Development:

- partial retention of Regent Street facades and demolition of existing buildings within the site;
- construction of an 18 storey building including a student accommodation for 370 students;
- ground floor retail and commercial tenancies; and
- associated signage, streetscape improvements and landscaping, and extension of services and infrastructure.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Iglu Pty Limited, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled prepared by JBA Urban Planning Consultants, dated December 2014.
EPA	Environment Protection Authority, or its successor
The Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
RTS	Response to Submissions report prepared by JBA Urban Planning Consultants, dated March 2015
Reasonable Feasible	and Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Transport for New South Wales or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate) Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Subject Site	60-78 Regent Street, Redfern
UGDC	Urban Growth NSW Development Corporation

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

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

A2. Development in Accordance with Plans

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

- a) Environmental Impact Statement, prepared by JBA Urban Planning Consultants, dated December 2014;
- b) Response to Submissions prepared by JBA Urban Planning Consultants, dated March 2015;
- c) Additional supporting information submitted for the proposal including:
 - Pedestrian Wind Environmental Study prepared by Windtech and dated 11 May 2015;
 - Provisional Remediation Action Plan prepared by DLA Environment dated May 2015;
 - Response to Submissions – Additional Information prepared by Bates Smart dated 5 May 2015; and
- d) following drawings, except for:
 - any modifications which are Exempt or Complying Development; and
 - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
A02.000	D	Ground Floor Plan	28.04.15
A02.M01	D	Mezzanine Plan	28.04.15
A02.001	B	Podium Plan	24.02.15
A02.002	B	Typical Plan (Accessible) Levels 02-05	24.02.15
A02.008	B	Typical Plan Levels 06-17	24.02.15
A02.019	A	Roof Terrace Plan	26.11.14
A02.B01	A	Basement Plan	26.11.14
A07.001	B	East Elevation	26.02.15
A07.002	B	West Elevation	26.02.15
A07.003	B	North Elevation	26.02.15
A07.004	B	South Elevation	26.02.15
A07.005	C	Signage Drawings	20.03.15
A08.003	B	Section CC	26.02.15
Landscape Drawings prepared by Aspect Studios and DA Landscape Statement			
Drawing No.	Revision	Name of Plan	Date
14082_DA00	A	Context Plan and Contents	27.11.14
14082_DA01	A	Landscape Plan _ Ground Floor	27.11.14
14082_DA02	A	(GF) Site Section and Precedent Images	27.11.14
14082_DA03	A	Landscape Plan _ Level 1	27.11.14
14082_DA04	A	(L1) Site Sections and Precedent Images	27.11.14
14082_DA05	A	Planting Schedule and Images	27.11.14
Engineering Drawings prepared by Taylor Thomson Whitting			
Drawing No.	Revision	Name of Plan	Date
C01	P2	Notes & Legend Sheet	19.11.14
C02	P2	Stormwater Siteworks Plan	19.11.14
C03	P2	Erosion & Sediment Control Plan	19.11.14
C04	P2	Detail Sheet 1 of 2	19.11.14
C05	P2	Detail Sheet 2 of 2	19.11.14

A3. Inconsistency between Documents

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

A4. Long Service Levy

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

A5. Prescribed Conditions

The applicant shall comply with the prescribed conditions of this consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000.

A6. Limits of this consent

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

A7. Future Development Applications

The following shall be subject of separate Development Application/s under Part 4 of the Act (except where exempt and complying development applies):

- fit out and use of ground floor tenancies.

A8. Obligation to minimise harm to the Environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A9. Legal Notices

Any advice or notice to the consent authority shall be served on the Secretary.

End of Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

B2. Redfern-Waterloo Authority Contributions Plan 2006

To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions are required in accordance with the Redfern-Waterloo Authority Contributions Plan 2006.

The levy is calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid, in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of Redfern-Waterloo Authority Contributions Plan 2006.

Pursuant to the Redfern-Waterloo Authority Contributions Plan 2006, a contribution in the amount of \$778,000 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Proof of payment of this contribution to the Urban Growth NSW Development Corporation (UGDC) shall be provided to the Certifying Authority prior to the issue of a Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to Construction Certificate, written verification of this should be provided by UGDC and provided to the Certifier. No deferred or periodic payments are permitted. Phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Suite 3220, Bay 4 Locomotive Workshop 2 Locomotive Street Eveleigh NSW 2015 or from the website www.ugdc.nsw.gov.au.

B3. Bicycle Parking and end of Trip Facilities

Prior to the issue of a construction certificate, plans must be submitted to the certifying authority demonstrating:

- a minimum of 185 student and retail staff bicycle parking spaces (Class 2 facilities);
- end of trip facilities including 1 shower and 3 personal lockers; and
- a minimum of 5 visitor bicycle spaces within the ground floor entry of the student accommodation lobby or ground floor entry way to the building.

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities.

B4. Building height

Prior to the issue of a construction certificate, plans must be submitted to the certifying authority demonstrating an overall reduction in the building height by 3.2 metres (maximum RL 88.2m AHD). This overall reduction in building height shall be achieved via a reduction in the floor to floor heights to 2.9 metres without affecting the minimum floor to ceiling height of 2.7 metres on Levels 2 to 17.

B5. Compliance with Acoustic Report

- a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Glenn Campbell, Acoustic Logic Consultancy Pty Ltd, dated 3 November 2014, ref 20141246.1/0311A/R3/GC, titled DA Noise Assessment, Council Ref 2014/578207 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 (b) and (c) below and to the satisfaction of the certifying authority.
- b) Prior to the issue of a 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 DA acoustic report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Certifying Authority which addresses the following requirements:
 - (i) The ALC Report – Sections 4, 5, 6 – The noise metrics presented in Tables 4, 5, 6, 7, 12, 13, 14, 15, 16, 17 & 18 are to be used for the purposes of certification and verification by the consultant and Certifying Authority for determining compliance with the Noise – General and Acoustic Privacy conditions and by Council Officers at their discretion in determining compliance.
 - (ii) The ACL Report – Sections 4.5 and 6.4 – The reported requirements will be accounted for by the consultant and to the satisfaction of the Certifying Authority. The following additional requirements are to be accounted for
 - (a) The outdoor area is not approved for the use of loud functions incorporating amplified music.
- c) The outdoor area is not approved for use between the hours of 10pm and 7am.

B6. Compliance with Wind Impact Assessment

Prior to the issue of a Construction Certificate, plans shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech and dated 11 May 2015.

B7. Contamination

Prior to the issue of a Construction Certificate for excavation or construction of the building, a Detailed Environmental Site Investigation is to be carried out by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Planning NSW Guidelines “Managing Land Contamination Planning Guidelines, SEPP 55 Remediation of Land” and Councils Development Control Plan “Contaminated Land”, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Investigation states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to Council prior to the issue of a Construction for excavation or construction of the building, certifying that the site is suitable for the proposed use.

Where the Detailed Environmental Site Investigation states that a Site Remedial Action Plan (RAP) is to be undertaken, a RAP is to be prepared in accordance with the recommendations of the Detailed Environmental Site Investigation and provision RAP submitted with the RtS. The RAP shall be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines, Managing Land Contamination Planning Guidelines, SEPP 55 Remediation of Land and Council's Development Control Plan “Contaminated Land” AND is to be peer reviewed by a NSW EPA Accredited Site Auditor and an

interim advice confirming that the RAP is practical and the site will be suitable after remediation for the proposed use prior to consent being given.

B8. Signage

Prior to the issue of a Construction Certificate, amended plans shall be submitted to the Certifying Authority removing any illumination from the approved building identification signage on the northern and southern facades.

B9. Microbial Control Water System

- a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following: Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.

B10. Mechanical Ventilation

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

B11. Installation of Dual Flush Toilets

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

B12. Installation of Water Efficient Taps

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

B13. Landscaping of the site

Prior to the issue of a Construction Certificate, a landscaping maintenance plan is to be submitted to and approved by the Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

B14. Internal Lighting System

The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to

ensure automatic switch off and on as required. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B15. Driveway

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

B16. Cost of Signposting

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

B17. Waste and Recycling Management

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

B18. Pre-Construction Dilapidation Reports

The Applicant is to engage a suitably qualified person 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'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Department that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

B19. Access for People with Disabilities

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

B20. Construction Traffic Management Plan

A detailed Construction Traffic Management Plan must be submitted to and approved by Council, prior to the issue of a Construction Certificate being issued. The Construction Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council and RMS:

- a description of the demolition, excavation and construction works;
- a site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- any proposed road and/or footpath closures;
- details of any required Works Zones, (Note: Works Zones require the approval of the local Traffic Committee);
- proposed site access locations for personnel, deliveries and materials;
- size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- provision for loading and unloading of goods and materials;
- cumulative impacts of the approved development and other construction activity in the area including vehicular movements on the road network, traffic, bicycle riders, pedestrians, bus services and bus facilities;
- proposed hours of construction related activities and vehicular movements to and from the site
- current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority);
- any activities proposed to be located or impact upon Council's road, footways or any public place; and
- measures to maintain public safety and convenience.

B21. Alignment Levels – Major Development

- a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved plans are indicative only and have not been approved by this consent.
- b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, 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 the City of Sydney'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).
- c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a 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.

B22. Preservation of Survey Marks

All works in City 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 the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres 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 metre of a permanent survey mark contact must be made with the City'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 the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

B23. Protection of Survey Infrastructure

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.

B24. Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban stormwater – Soil and Construction Volume 1 (2004)* by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and implemented in full during the construction period.

B25. Public Domain Works

A public domain plan for William Lane shall be submitted to Council prior to the issue of a construction certificate for upgrade of the road pavement (only as required by Council), removal of redundant driveways, and replacement of kerb, gutter and footpath for the full frontage of the site to William Lane.

B26. Public Domain Damage Deposit

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage 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.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier. The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

B27. Public Domain Lighting

Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain (including through site links and under awnings) must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:

- (i) 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 the City;

- (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
- (iii) Footing locations and structural details;
- (iv) Location and details of underground electrical reticulation, connections and conduits;
- (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
- (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (vii) Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas.

The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

B28. Stormwater and Drainage – Major Development

- a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), 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.
- b) 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.
- c) Any proposed connection to the 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 Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding
- e) approved preparatory or demolition work, 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.

End of Section

PART C – PRIOR TO CONSTRUCTION

C1. Certified Plans

Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

C2. Notice of Commencement of Works

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

C3. Archaeology

The Applicant must ensure that a full historical archaeological assessment which contains mitigation measures in the form of an archaeological programme is undertaken by a suitably qualified and experienced historical archaeologist prior to any demolition works commencing on site.

The details of the nominated excavation director must be forwarded to the Heritage Council (or its Delegate) for approval prior to commencement of any archaeological programme on site.

C4. Vehicular Access

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

C5. Vehicle Footway Crossing

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required. All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

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

C6. Associated Roadway Costs

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

C7. Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council 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 Council.

C8. Access Driveways to be Constructed

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

C9. Demolition, Excavation and Construction Management

- a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Certifying Authority:
 - i. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls and (where applicable) the proposed method of facade retention.
 - ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - iii. An Excavation Work Method Statement prepared by an appropriately qualified person.
 - iv. A Waste Management Plan for the demolition and or excavation of the proposed development.
- b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - i. A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - ii. The name and address of the company/contractor undertaking demolition/excavation works.
 - iii. The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - iv. The name and address of the transport contractor.
 - v. The type and quantity of material to be removed from site.
 - vi. Location and method of waste disposal and recycling.
 - vii. Proposed truck routes, in accordance with this development consent.
 - viii. Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - ix. Measures to control noise emissions from the site.
 - x. Measures to suppress odours.
 - xi. Enclosing and making the site safe.
 - xii. Induction training for on-site personnel.
 - xiii. Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - xiv. An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - xv. Disconnection of utilities.
 - xvi. Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - xvii. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - xviii. Waterproofing of any exposed surfaces of adjoining buildings.
 - xix. Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - xx. Working hours, in accordance with this development consent.
 - xxi. Any Work Cover Authority requirements.

- c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

C10. Structural Details

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

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

C11. Construction Environmental Management Plan

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- i. hours of work;
- ii. 24 hour contact details of site manager;
- iii. traffic management;
- iv. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
- v. erosion and sediment control;
- vi. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
- vii. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
- viii. flora and fauna management.

- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

C12. Changes to Kerb side Parking Restrictions

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection. All costs associated with the parking proposal will be borne by the developer.

C13. Photographic Record / Dilapidation Report – Public Domain

Prior to demolition or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. 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 the City of Sydney 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.

C14. Utility Services

- a) 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.
- b) Prior to the commencement of works written advice shall 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.

End of Section

PART D – DURING CONSTRUCTION

D1. Hours of Work and Noise

The hours of construction and work on the development must be as follows:

- a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

D2. Use of High Noise Emission Appliances/Plant

- a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of:
 - 9.00am to 12.00pm and 1.00pm to 4.30pm, Mondays to Fridays
 - 9.00am to 1.00pm, Saturdays
 - No work is permitted on Sundays or Public Holidays
- b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

D3. Loading and Unloading during Construction

The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

D4. Vibration Criteria

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

- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
- b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).

These limits apply unless otherwise outlined in the Construction Environmental Management Plan.

D5. Notification of Excavation Works or Use of High Noise Emission Appliances/Plant

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

D6. Construction Noise Management Plan

A site specific construction noise management plan shall be submitted to the Council approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:

- a) identification of noise sensitive receivers near to the site.
- b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

D7. Hoarding Requirements

The following hoarding requirements shall be complied with:

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

D8. Asbestos Removal Works

- a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- h) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size. The site notice board must include the following:
 - i. contact person for the site;
 - ii. telephone and facsimile numbers and email address; and
 - iii. site activities and time frames.

D9. Noise from Glass Removal

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.

D10. Hazardous and Industrial Waste

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- a) Protection of the Environment Operations Act 1997;
- b) Protection of the Environment Operations (Waste) Regulation 2005;
- c) Waste Avoidance and Recovery Act 2001;
- d) Work Health and Safety Act 2011; and
- e) Work Health and Safety Regulation 2011.

D11. Imported Waste Derived Fill Material

The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*);

- b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- c) Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

D12. Contaminated Waste

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

D13. Compliance with Demolition, Excavation, and Construction Noise Management Plan

- a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.
- b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite. Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

D14. Covering Loads

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

D15. Dust Management

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

D16. Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils and Construction Volume 1 (2004) by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and:

- a) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

D17. Vehicle Cleansing

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

D18. No obstruction of Public Way

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 Council to stop all work on site.

D19. Stormwater Drainage

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

D20. Ground Water

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

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

D21. Use of Mobile Cranes

The following requirements apply:

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

D22. Road Closures

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

D23. Road Work Costs

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

D24. Archaeology

- a) The historical archaeological mitigation program must be undertaken by a suitably qualified and experienced historical archaeologist who meets the Heritage Council's Excavation Director Criteria for salvage excavation of locally significant sites after demolition but prior to site excavation.
- b) The Applicant must ensure that the approved Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
- c) The Applicant must ensure that the approved Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
- d) The Applicant must ensure that the nominated Excavation Director briefs all personnel involved in the project about the requirements of the NSW 'Heritage Act 1977' in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
- e) The Applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.
- f) The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
- g) The Applicant is responsible for the safe-keeping of all relics recovered from the site.
- h) The Applicant must ensure that the approved Primary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
- i) The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, prepared by the approved Primary Excavation Director is submitted to the Heritage Council of NSW within one (1) month of completion of archaeological field work.

D25. Sydney Water

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

D26. Approved Plans to be On-site

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

D27. Site Notice

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

D28. Traffic Works

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

D29. Associated Roadway Costs

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

End of Section

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

E1. Occupation Certificate to be Submitted

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

E2. Laneway Strategy

Prior to the issue of an Occupation Certificate:

- a) A laneway strategy shall be prepared and endorsed by the Secretary of the Department of Planning and Environment for the entire service laneway up to Redfern Street Laneway at the rear of the site. The laneway strategy shall:
 - i) be prepared in consultation with all relevant landowners including the strata body of 157 Redfern Street and landowners of 56-58 Regent Street;
 - ii) consider options (including wall street art and potential lighting displays) to revitalise the laneway; and
 - iii) outline how the works and installations will be delivered at the relevant properties.
- b) The works and installations set out by the laneway strategy shall be implemented by the applicant within the site within six months of the issue of an Occupation Certificate.
- c) The works and installations set out in the laneway strategy on adjoining sites shall be:
 - i) provided with an implementation timeline; and
 - ii) endorsed by the relevant landowners prior to implementation.

E3. Landscaping

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

E4. Wind Impacts

Prior to the issue of an Occupation Certificate, a verification certificate shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech and dated 11 May 2015.

E5. Environmental Sustainable Development

Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with the recommendations and principles highlighted within the ESD report prepared by EMF Griffiths dated 14 November 2014 and submitted with the EIS.

E6. Crime Prevention

Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, and general crime and safety prevention for the development.

E7. Loading Dock Management

Prior to the issue of an Occupation Certificate, a loading dock management plan shall be submitted to the Certifying Authority which includes operation hours and general mitigation measures to prevent amenity impacts to adjoining properties. The loading dock is to be available for retail units and the community space as well as the student accommodation.

E8. Submission of Electronic CAD Models

- a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.
- b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;

- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C. The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/applicationprocess/mode> requirements Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

E9. Transport Access Guide

Transport Access Guides (TAGs) must be developed for the Student Accommodation and retail tenancies. The TAG must be prepared in accordance with the RMS's Guide to Producing and Using Transport Access Guides and other guidelines/standards considered best practice.

E10. Bicycle Parking

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Bicycle parking will be provided as follows:

- 185 bicycle spaces for students and staff of the student accommodation and retail tenancies; and
- A minimum of 5 visitor bicycle spaces within the entries at the ground level.

E11. Vehicles Access

The site must be configured to allow all vehicles to be driven off the site in a forward direction.

E12. Stormwater and Drainage – Major Development

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.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

E13. Signage to indicate non participation in Resident Parking Permit Scheme

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be **permanently displayed and located** in prominent places, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners of the building**.

E14. Compliance with Acoustic Report

Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifying Authority that the development complies with the requirements set out in Condition B4 of this consent including the recommendation of the Acoustic Report. This shall include a statement to be submitted to the Certifying Authority that certifies the development or proposed use is capable of, complying with the design criteria and operating without causing a nuisance.

E15. Waste Management

A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

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

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

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

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

E16. Microbial Control in Water Systems

Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

E17. Archaeology

The Applicant must ensure that a final excavation report is written by the approved Primary Excavation Director to publication standard, within one (1) year of the completion of the field based archaeological activity.

A copy of archaeological investigation report and any following field work report should be submit to City of Sydney Council for archival records and heritage inventory updating.

The Applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with two (2) printed copies of the final excavation report. The Applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

The Applicant must ensure that the information presented in a final excavation report includes the following:

- a) An executive summary of the archaeological programme;
- b) Due credit to the client paying for the excavation, on the title page;
- c) An accurate site location and site plan (with scale and north arrow) and including geo-reference data;
- d) Historical research, references, and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;
- g) Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);
- h) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance; statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the site; recommendations for the future management of the site and how much of the site remains undisturbed;
- i) Details of how this information about this excavation has been publicly disseminated (for example, provide details about Public Open Days and include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the site).

E18. Sydney Water Requirements

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

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

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

E19. Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development consent and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

E20. Fire Safety Certificate to be Submitted

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

E21. Student Accommodation Bedroom furnishings

Every bedroom within the student accommodation development is required to be furnished with the following prior to the issue of an Occupation Certificate:

- a) bed;
- b) wardrobe;
- c) mirror;
- d) table and chair;
- e) nightlight;
- f) waste container/rubbish bin;
- g) suitable door latching device;
- h) curtain/blinds;
- i) internet connection; and
- j) adequate cupboards and shelves.

E22. Laundry facilities

A minimum of 9 x 8kg commercial washing machines and 10 x 9kg commercial dryers are to be provided within the communal laundry of the student accommodation and are to be installed and operational prior to the issue of an Occupation Certificate.

E23. Street Numbering- Major Development

Prior to an Occupation Certificate being issued, 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 Council.

E24. Plan of Management to be Submitted and Approved

A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations, including Security Management.

The plan must include but is not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; handling complaints; and be generally in accordance with the preliminary operational plan of management submitted with the EIS.

The plan must be submitted to and approved by Council prior to an Occupation Certificate being issued. The plan must include as a minimum:

- Compliance with all other operational conditions of this consent.
- Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans, except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds.
- Hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted).
- Use of alcohol and/or drugs, curfews, noise management plan.
- Security management should be expanded to include relationships with surrounding hotels/motels/ businesses and residents.
- Students should be issued with information on how to contact Police, Ambulance and Fire Department (in translated formats, if requested), personal safety awareness sessions should

be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command.

- Safety and security measures for residents, handling complaints.
- Provisions of communal areas and facilities, and access and facilities for people with disabilities.
- A copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.
- Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
- The approved Plan of Management is thereafter to be complied with during the use of the premises.

E25. Site Suitability- Remediation

Upon completion of the remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55 - Remediation of Land*. Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

E26. Appliances

Prior to the issue of an Occupation Certificate, all appliances in student rooms shall have an Energy Star rating of 3.5 stars or higher unless otherwise legislated.

E27. Complaints Procedure

The Applicant must ensure the following facilities are publicised to handle community complaints:

- a) A direct telephone number for Iglu, to be answered by an onsite manager at all hours;
- b) A 24-hour, toll free telephone number on which complaints may be registered;
- c) A postal address to which complaints may be sent;
- d) An email address to which electronic complaints may be registered; and
- e) Contact details for the City of Sydney Council where complaints may be sent.

E28. Complaints Register

The Applicant shall record all details of all complaints received through the means listed under Condition E27 in an up to date Complaints Register. The Register must record, but not necessarily be limited to:

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

E29. Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

In accordance with Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006, the levy is 1.25% of the additional total gross floor area of the proposed development and is calculated at \$76.83 per square metre (being the rate at 1 July 2014). Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in *Rawlinson's Australian Construction Handbook*. This is in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and Clause 9 of the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006.

Pursuant to the Redfern-Waterloo Affordable Contributions Plan 2006, a contribution in the amount of \$760,000 (subject to the confirmation of total additional floor space) plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

Proof of payment of this contribution to the UrbanGrowth NSW Development Corporation (UGDC) and calculation of any indexing, or an alternative arrangement for the provision of affordable housing as agreed in writing by UGDC and the Department of Planning and Environment, shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate. No deferred or periodic payments are permitted.

Phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available for inspection at the offices of UGDC, Suite 3220, Bay 4 Locomotive Workshop 2 Locomotive Street Eveleigh NSW 2015 or from the website www.ugdc.nsw.gov.au.

End of Section

PART G – DURING OPERATIONS

F1. Capacity

The maximum number of students residing within the premises must not exceed 370 persons, at any time.

F2. Student Accommodation Staff

A minimum of one staff shall be present on site at all times.

F3. Kitchen Facilities

A minimum of 2 hotplate stove top cookers and a sink shall be provided in each kitchen area.

F4. Washing Machines and Dryers

A minimum of 9 x 8kg washing machines and 10 x 9 kg dryers shall be provided at all times.

F5. No Spruiking Noise

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

F6. Use of Communal Outdoor Terrace

Use of the terrace is restricted to residents of the development only. Resident access to the outdoor areas is to be restricted to between the hours of 7am and 10pm, 7 days a week with a maximum of 100 people at anyone time. Any special events will require separate Development Application approval with Council.

F7. No Speakers or Music Outside

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

F8. Restrictions on Student Accommodation

The following restrictions apply to the building hereby approved for student accommodation:

- a) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like;
- b) Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans, except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds;
- c) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation;
- d) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of a tertiary educational facility in Australia. The owner or licensor or landlord is to maintain an up-to-date register of all details which must be produced for inspection on request by Council;
- e) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of current enrolment in such tertiary educational facility;

- f) Upon ceasing to be enrolled to attend a tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 12 weeks of the expiration of their tertiary course;
- g) Prior to the issue of an Occupation Certificate, relevant restrictive and positive covenants are to be registered on the title of the premises to give effect to the matters referred to in paragraphs a) to f) above, to the satisfaction of Council;
- h) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and attending a full time or part time course of tertiary education in Australia; and
- i) All student occupants of the site are to be provided with a package notifying them of these requirements when they commence residency at the premises as part of the lease/ tenancy agreement. This, and other information required to be provided to the student occupants is to be provided in the native language of the proposed student occupant, if requested, so that it can be easily understood.

F9. Signage Illumination

No illumination shall be permitted for the building identification signs on the northern and southern facades.

F10. Prohibition on Participation in Resident Parking Permit Scheme

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes and are to be advised that it is the Policy of Council that they are not eligible for any on street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

F11. Water Pollution

No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

F12. Connection to Sewers of Sydney Water Corporation

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

F13. Noise - General

- a) The cumulative emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment shall comply with the following:
 - i. The LAeq, 15minute noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - ii. Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - iii. Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.

- b) An $L_{Aeq,15\text{minute}}$ noise level emitted from the use must not exceed the $LA_{90, 15\text{minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
 - i. Where the $L_{A90, 15\text{minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - ii. The $L_{Aeq,15\text{minute}}$ noise level and the $LA_{90,15\text{minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - iii. The relevant background noise level ($L_{A90, 15\text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - iv. Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - v. Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

F14. Neighbourhood Amenity

- a) Signs must be placed in clearly visible positions within the premises requesting occupants upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- b) The management must ensure that the behaviour of occupants entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by occupants of the premises and must ensure that occupants leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management is to employ private security staff to ensure that this condition is complied with.

F15. Emissions

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

F16. Future Food Use – Mechanical Ventilation Provision

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level

F17. Continued Performance of Mechanical Ventilation

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

F18. Intruder Alarm

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

F19. Loading Within Site

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

F20. Loading/Parking Kept Clear

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

F21. Annual Fire Safety Certification

The owner of the building shall certify to the council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F22. Waste and Recycling Management

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

F23. Windows

All bedrooms (including those within student rooms) must have an operable window or panel to provide natural ventilation as required by the BCA.

End of Section

ADVISORY NOTES

- Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.