

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Anthony Witherdin

Director

Key Sites Assessments

Sydney

17 November 2022

File: SSD 12618001

SCHEDULE 1

Application Number:	SSD 12618001
Applicant:	The Trustee for WH Regent Trust
Consent Authority:	Minister for Planning
Site:	104-116 Regent Street, Redfern (Lot 10 DP 1026349)
Development:	Construction of an 18-storey student accommodation building comprising: <ul style="list-style-type: none">• 307 student accommodation rooms, providing 409 beds• ancillary communal student facilities including gathering spaces, gym, games area, study areas, kitchen, cinema and external terraces on levels 2, 4 and 16• two ground floor retail tenancies• public domain and landscaping works

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The Trustee for WH Regent Trust or any person carrying out any development to which this consent applies
AS	Australian Standard published by Standards International Limited and means the current standard which applies at the time the relevant works is undertaken.
AHD	Australian Height Datum
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	Council or a registered certifier. Under Part 6 of the EP&A Act, a certifier is a council or a person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> acting in respect of matters to which the registration applies.
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
CPTED	Crimes Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS, Response to Submissions and Revised Response to Submissions, including the works and activities comprising the student accommodation project, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled <i>Wee Hur Student Housing, 104-116 Regent Street, Redfern</i> , prepared by Urbis and dated 17 December 2021, and accompanying appendices submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered certifier	A person registered under the <i>Building and Development Certifiers Act 2018</i> acting in respect of matters to which the registration applies
RtS	The Applicants Response to Submissions titled <i>Submissions Report</i> prepared by Urbis and dated 15 June 2022, and accompanying appendices received in relation to the application for consent for the development under the EP&A Act
RRtS	The Applicant's Revised Response to Submissions titled <i>Response to Request for Further Information</i> , prepared by Urbis and dated 21 September 2022, and accompanying appendices received in relation to the application for consent for the development under the EP&A Act
TfNSW	Transport for New South Wales
WAD	Work Authorisation Deed
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RtS and RRtS. If the EIS, RtS and RRtS are inconsistent with the conditions of consent, the conditions shall prevail; and;
 - (d) in accordance with the approved plans in the table below. If the approved plans are inconsistent with the conditions of consent, the conditions of consent shall prevail.

Architectural Drawings prepared by Antoniades Architects			
Drawing No.	Revision	Name of Plan	Date
DA1.01	B	Site Analysis	13/12/2021
DA1.03	B	Setbacks - Site Plan	13/12/2021
DA1.04	D	Setbacks - Levels	08/06/2022
DA3.01	F	Site Plan	15/09/2022
DA3.02	F	Level 01/Level 02	15/09/2022
DA3.03	F	Level 03 /Level 04	15/09/2022
DA3.04	E	Level 05 to 08/ Level 09 to 15	08/06/2022
DA3.05	F	Level 16 /Level 17 to 18	15/09/2022
DA3.06	F	Plant Level/Roof Level	08/06/2022
DA4.01	D	Long Section + Short Section	08/06/2022
DA4.02	A	Retail height and skylight balustrade	15/09/2022
DA5.01	F	Regent St - Elevation	15/09/2022
DA5.02	F	Northern Elevation + Southern Elevation	15/09/2022
DA5.03	F	William Ln - Elevation	15/09/2022
DA6.01	H	Project Data Schedule	15/09/2022
DA6.02	D	Shadow Diagrams - 21 JUNE 2022.1	08/06/2022
DA7.02	F	Material Board	15/09/2022

DA7.03	D	Signage Details	15/09/2022
Landscape Drawings prepared by RPS			
Drawing No.	Revision	Name of Plan	Date
2.1	B	Proposed Ground Plan	14/09/2022
2.2	B	Proposed Ground Plan – Public Domain	14/09/2022
2.3	B	Level 2 – Recreational Deck	14/09/2022
2.5	B	Level 4	14/09/2022
2.6	B	Level 16 Sky Park	14/09/2022
2.8	B	Indicative Illustration – P1	14/09/2022
2.9	B	Façade Greening	14/09/2022
2.10	B	Planting Palette 1	14/09/2022
2.10	B	Planting Palette 2	14/09/2022
2.11	B	Tree Plan	14/09/2022
2.12	B	Materiality Strategy	14/09/2022
2.13	B	Typical Details 1	14/09/2022
2.13	B	Typical Details 2	14/09/2022
2.14	B	Wind Details	14/09/2022
2.15	B	Maintenance Guidelines	14/09/2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve:
- retail premises' fit-out and hours of operation
 - signage
 - remediation

Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

PRESCRIBED CONDITIONS

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

LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

LEGAL NOTICES

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A10. Within three months of:
- the submission of a compliance report under **condition C8** and **C9**;
 - the submission of an incident report under **condition A15**;
 - the approval of any modification of the conditions of this consent; or
 - the issue of a direction of the Planning Secretary under **condition A3** which requires a review,
- A11. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A12. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

EVIDENCE OF CONSULTATION

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA;

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A15. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

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

NON-COMPLIANCE NOTIFICATION

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

- A17. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A18. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

MONITORING AND ENVIRONMENTAL AUDITS

- A19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

APPLICABILITY OF GUIDELINES

- A20. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A21. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

OPERATION OF PLANT AND EQUIPMENT

- A22. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SYDNEY METRO

- A23. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- A24. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Accredited Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

ASSOCIATED ROADWAY COSTS

- A25. All costs associated with the construction of any new road works including kerb and gutter and footway shall be borne by the developer. Such works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

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

EXTERNAL WALLS AND CLADDING

B2. The external walls and cladding must comply with the relevant requirements of the BCA.

B3. Before the issue of a Construction Certificate for above ground works, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

B4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

B5. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

GROSS FLOOR AREA (GFA) CERTIFICATION

B6. The GFA of the building must not exceed 9,557 m². Details confirming compliance must be submitted to the Certifier prior to the issue of the Construction Certificate for above ground works.

MAXIMUM HEIGHT

B7. The maximum height of the approved building must not exceed RL 85.100 m AHD, including plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Construction Certificate.

REDFERN-WATERLOO CONTRIBUTIONS PLAN 2006

B8. Prior to issue of any Construction Certificate, a contribution of \$1,161,600 must be paid to Infrastructure NSW in accordance with the provisions of the Redfern-Waterloo Authority Contributions Plan. The contribution will be indexed at the time of payment in accordance with the most recently published CPI (All Groups) Index for Sydney. Alternatively, the Applicant may undertake public domain works to a minimum value of \$1,161,600. The works may include pavement treatment, improved lighting, landscaping, and street tree planting.

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

AFFORDABLE HOUSING CONTRIBUTION

B9. Prior to the issue of any Construction Certificate, an affordable housing contribution of \$977,681.10 (based on a rate of \$102.30m²/GFA) must be paid to Infrastructure NSW in accordance with the provisions of the Redfern-Waterloo Authority Affordable Housing Contributions Plan. The contribution rate will be indexed annually at 1 July in accordance with the published Building Price Index in Rawlinson's Handbook.

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

COMPLIANCE WITH WIND IMPACT ASSESSMENT

B10. Prior to the issue of the Construction Certificate for above ground works, plans shall be submitted to the Certifier demonstrating compliance with the design parameters of the Updated Environmental Wind Assessment, prepared by SLR Consulting Pty Ltd, dated 2 June 2022.

SYDNEY WATER ASSETS

B11. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of the relevant Construction Certificate (excluding demolition, remediation and site preparation works).

- B12. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ in online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- B13. Prior to the issue of the first Construction Certificate, the Applicant must provide a design for sewer diversion and adjustment works or any changes to the existing main and its long section to Sydney Water for its review and approval. All works must comply with the Water Services Association of Australia (WSAA) code – Sydney Water edition.
- B14. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
- B15. The requirements of Sydney Water with regard to the onsite detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate.

PRIVACY TREATMENTS

- B16. Glass louvres (material type 'GL-01') nominated for north facing corridors are to be a semi-opaque finish, and not clear. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to issuing the relevant Construction Certificate.

REGENT STREET RETAIL TENANCY

- B17. Façade details in the form of 1:20 minimum scale plans, wall sections and elevations are to be provided of each podium façade system type. These are also to include details of the interface of the façade with the public domain and are to include floor to ceiling heights and glazing. These details are to be submitted to and approved by Council prior to the issue of the Construction Certificate for above ground works.

FAÇADE METALWORK, EGRESS AND SERVICE INTEGRATION

- B18. 1:20 scale minimum plans, elevation and section details of the following are to be submitted to and approved by Council prior to the issue of any Construction Certificate for above ground works:

- (a) Fire hydrant booster cupboard
- (b) Gas meter cupboard
- (c) Service access doors
- (d) Fire egress doors
- (e) End of trip amenities
- (f) Substation

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to For Construction detailing.

MATERIALS AND FINISHES

- B19. Prior to the issue of a Construction Certificate for above ground works, details of final building materials and finishes must be submitted to and approved by the Planning Secretary. The details must include evidence of consultation with Council and how their advice has been addressed for the following:
- (a) specifications and sample boards for all external building finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
 - (b) all glass is to be clear to achieve a high level of transparency to provide visual depth and have a neutral colour (with the exception of **Condition B19**).
 - (c) details of the manner of assembly and characteristics of glazing including the proposed shading coefficient, the visible light transmission, and the reflectivity
 - (d) confirmation of the process and methods in arriving at the final choice for all materials and finishes
 - (e) detailed architectural drawings of the façade details including glazing specification and sun shading devices. This must include snapshots of different points in the façade in plan, elevation, and section to a scale of 1:20 or 1:50 as necessary.

PUBLIC DOMAIN WORKS – REGENT STREET WORKS

- B20. Prior to the issue of any Construction Certificate for public domain works, the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW for civil works on Regent Street, authorising the developer to undertake

works on the State road. Please contact development.sydney@transport.nsw.gov.au for TfNSW requirements under the *Roads Act 1993* and WAD process

- B21. Prior to the issue of any Construction Certificate for public domain works on council owned land, approval under Section 138 / 139 of the *Roads Act 1993* must be issued by the City's Public Domain Unit.

ON SITE LANDSCAPING

- B22. A revised detailed Landscape Plan must be prepared in consultation with and approved by Council. The Landscape Plan shall include, but not be limited to the following:
- (a) A detailed green roof design including:
 - (i) a statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments
 - (ii) the location and details of existing and proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components
 - (iii) an engineers report confirming the structural capacity of the building for the proposed roof terrace loads
 - (iv) details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1,000 mm for trees, 450 mm for shrubs and 200 mm for groundcovers, excluding mulch and drainage layers
 - (v) one metre soil depth for tree planters on Levels 2 and 16
 - (vi) planting details, and the location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity
 - (vii) details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer
 - (viii) a green roof maintenance plan detailing the maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
 - (b) A detailed podium façade plan including:
 - (i) removing planters that are not accessible for maintenance from within the site
 - (ii) a maintenance plan detailing the methodology for maintaining façade greening including access requirement.

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

Details demonstrating compliance with this requirement shall be submitted to the Certifier, prior to the issue of the relevant Construction Certificate.

SYDNEY METRO – TREES

- B23. The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. If required, a final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

- B24. A detailed public domain plan (including existing or works areas a minimum 5m either side of the site boundary and to the road centreline) and all relevant documentation must be submitted to and approved by Council's Public Domain Unit prior to issuing a Construction Certificate for any public domain works. The Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale, and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the *Roads Act*.
- B25. The detailed public domain plan is to include but not be limited to:
- (a) a continuous footpath treatment to Margaret Street.
 - (b) details regarding soil depth and soil volume for raised planters and garden beds.
 - (c) confirmation of tree species consistent with Council's Street Tree Master Plan or other relevant guidance document.

- (d) the location of tree pits consistent with Council's Street Tree Master Plan or other relevant guidance document.
- (e) details of tree pits including structural soils or structural cells to support pavements consistent with Council's Street Tree Master Plan or other relevant guidance document. One metre depth of virgin excavated natural material (VENM) must be provided for all tree planting and landscape at grade within the site boundary and street trees within the public domain.
- (f) details of tree planting in the public domain to meet the following:
 - (i) trees must have a minimum container size of 200 litres at the time of planting.
 - (ii) trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.
- (g) whether the chosen street tree supply, planting, and maintenance will be undertaken by the proponent to the satisfaction of Council OR whether the Applicant will pay a fee to Council consistent with Council's Schedule of Fees and Charges for the supply, planting, and maintenance of each required tree on the Applicant's behalf.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

- B26. The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an Application for Public Domain Levels and Gradients must be submitted to and approved by Council to reflect these changes prior to an approval being issued for the construction of public domain work.

PUBLIC DOMAIN LEVELS AND GRADIENTS

- B27. Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by Council. The submission must be prepared in accordance with the Council's Public Domain Manual and submitted with a completed Application for Public Domain Levels and Gradients. Information on how to complete the submission can be downloaded from the Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: *Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.*

STORMWATER DRAINAGE DESIGN

- B28. Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced engineer must be submitted to and approved by the Council's Public Domain Unit and must include:

A certified stormwater drainage design complying with:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

STORMWATER QUALITY ASSESSMENT

- B29. The development must comply with Stormwater Management Report Number 210118 Rev P2 prepared by Alexander MacLaughlan of JHA dated 3 December 2021. Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance with approved MUSIC link targets and parameters must be submitted to and approved by Council. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

FLOOD PLANNING LEVELS

- B30. The development must be constructed to comply with the recommended flood planning levels indicated in the table of the statement titled Review of Flood Related Development Controls for Building Floors 104-116 Regent Street, Redfern, Response to Council Submission, prepared by WMA Water dated 19 September 2022.

- B31. Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

PUBLIC DOMAIN LIGHTING UPGRADE

- B32. Prior to issue of any Construction Certificate for public domain works, a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the Sydney Streets Technical Specifications A5 and B8, Sydney Lights Design Code and Public Domain Manual. This information is available for download from the Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomainworks/daassociatedworks>

The lighting upgrade plan must cover all adjacent street frontages, being Regent Street and Margret Street and shall be designed to include the following requirements;

- (a) Regent Street
 - (i) Lighting standards compliance of AS1158.1.1 Category V3 on the roadway and AS1158.3.1:2020 Category PP1 on the footway is required.
 - (ii) Provide COS standard Smart poles Type S1B 9.6m with GE R250 Eco Gen2 160w 4000K LED luminaires on 3m outreach arms. Provide standard banner arm and high level GPO.
- (b) Margaret Street
 - (i) Lighting standards compliance of AS1158.3.1:2020 Category PR1 on the roadway and on the footway is required.
 - (ii) Provide COS standard 7.5m galvanised steel poles with GE R250 Eco Gen2 80w 4000K LED luminaires off 2.0m outreach arms.
- (c) Lighting Designs
 - (i) Lighting designs certified by a practicing lighting engineer must be submitted for council review and approval prior to a Construction Certificate being issued for public domain works.
 - (ii) Lighting design submission requirements are specified in COS specification "Sydney Streets Technical specification A5: Street Lighting Design".

OUTDOOR LIGHTING

- B33. All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate for public domain works.

DILAPIDATION REPORT – PUBLIC DOMAIN

- B34. Prior to the issue of any Construction Certificate, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted to Council for approval. The Council's Public Domain Manual is available for download at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the Applicant and the photographer, that Council is granted a perpetual nonexclusive 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.

PUBLIC DOMAIN WORKS SECURITY BOND

- B35. A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the Council's adopted fees and charges and Public Domain Manual.

Council must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with Council prior to an approval being issued for the approval of the Public Domain Plan (**Condition B24**).

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to the City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

- B36. Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for the approved public domain work is to be determined with and approved by Council in accordance with Council's Public Domain Manual and Sydney Streets Technical Specification.

DRAINAGE SERVICE PIT LIDS

B37. All existing or proposed drainage and service pit lids throughout the public domain must be to Council's specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan (**Condition B24**) and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

STRUCTURAL DETAILS

B38. Prior to the issue of each relevant Construction Certificate, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCA; and
- (b) the development consent.

REFLECTIVITY

B39. The building materials must have a maximum normal specular reflectivity of visible light of 20 per cent. If the proposed building materials do not comply with the above reflectivity requirement, then an alternate materials / mitigation measures must be proposed so that the facades of the building would not result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

B40. A statement prepared by a suitably qualified expert, demonstrating compliance with the requirements of this condition must be submitted to the satisfaction of the Certifier prior to the commencement of the cladding of the external facades.

GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN

B41. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- (a) Certification that the civil and structural details of all subsurface structures are designed to:
 - (i) provide appropriate support and retention to neighbouring property;
 - (ii) ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - (iii) ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (b) A **Geotechnical Monitoring Plan (GMP)** to be implemented during construction that:
 - (i) is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
 - (ii) details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - (iii) details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
 - (iv) details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the **GMP** is to be submitted to the Certifier prior to the commencement of any works other than any above ground demolition and site clearing works. Copies of the certification and **GMP** must be provided to the Planning Secretary.

MECHANICAL PLANT NOISE MITIGATION

B42. Details of noise mitigation measures for all mechanical plant are to be detailed on the relevant Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy is required to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

MECHANICAL VENTILATION

- B43. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B44. The mechanical exhaust system for the ground floor retail tenancy is to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that the tenancy is approved for future use as a food premises or other use which requires mechanical exhaust.

BASIX CERTIFICATION

- B45. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1259187M_02 (dated 27 May 2022), and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B46. The building must incorporate all design, operation and construction measures as identified in the NCC Section J Assessment Report prepared by Vipac and dated 9 December 2021, BASIX Assessment Report prepared by Vipac and dated 31 May 2022, and Alternative Performance Solution for Natural Ventilation prepared by Vipac dated 9 December 2021 and addendum dated 3 June 2022. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

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

- B47. All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of the relevant Construction Certificate being issued.
- B48. All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to issue of the relevant Construction Certificate for services and finishes works.
- B49. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B50. Systems should include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

BICYCLE PARKING

- B51. A minimum of 112 bicycle parking spaces are to be provided for students and staff (including retail staff).
- B52. The layout, design and security of all bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015*.
- B53. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

- B54. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

SANITARY FACILITIES FOR DISABLED PERSONS

- B55. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- B56. To minimise the opportunity for crime, details of compliance with the CPTED principles, the relevant recommendations provided in the CPTED Report, prepared by Elton Consulting, dated 2 December 2021, shall be implemented. Details demonstrating compliance with the requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

B57. All tactile ground surface indicators, handrails and other elements required to provide access into the building/property, must be located entirely within the private property boundary.

CBD RAIL LINK CORRIDOR

B58. Prior to the issue of any construction certificate, final drawings and reports in relation to the CBD Rail Link Corridor protection shall be endorsed by TfNSW.

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

SYDNEY METRO - ENGINEERING

B59. The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro, and Sydney Metro has provided written approval, of the following items:

- (a) Final construction drawings for the Construction Certificate;
- (b) The following documents will need to be revised once the detailed design becomes available:
 - (i) Impact Assessment Report and Monitoring Plan (Ref No. GKA REG 004) prepared by GKA Management dated 7 December 2021
 - (ii) Preliminary Numerical Modelling and Impact Assessment (R.001.Rev0) prepared by Douglas Partners dated 16 November 2021.
- (c) The construction management plan will need to be revised once the detailed design becomes available.
- (d) A report or statement assessing the impact of crane loading on the Sydney Metro tunnels.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

SYDNEY METRO – RAIL CORRIDOR

B60. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro - City & Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro - City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

SYDNEY METRO – SURVEY AND SERVICES

B61. Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

B62. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

SYDNEY METRO – NOISE AND VIBRATION

B63. The building must be designed and constructed:

- (a) to comply with the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines;
- (b) and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) to not have any noise or vibration impacts on the rail corridor or rail infrastructure.

Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issuing of the relevant Construction Certificate.

- B64. The Applicant must incorporate as part of the development all the measures recommended in the Noise and Vibration Impact Assessment (Ref No. 20210248.1/1512A/R2/AR-Revision 2) prepared by Acoustic Logic dated 15 December 2021.

Copies of the report are to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the management and assessment reports are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

ELECTROLYSIS

- B65. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a detailed report, including design drawings, on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation

SYDNEY METRO – CONSTRUCTION

- B66. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B67. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- B68. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction; and
 - (b) Demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- B69. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B70. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- B71. Prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

SYDNEY METRO – DRAINAGE

- B72. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

SYDNEY METRO – DOCUMENTATION

- B73. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

ABORIGINAL CULTURAL HERITAGE

B74. The recommendations within Section 12 of the Aboriginal Cultural Heritage Assessment Report, prepared by Austral Archaeological, revision 3, dated 7 December 2021, must be implemented as relevant to the site and Development. Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with this requirement shall be submitted to the Certifier.

PUBLIC ART STRATEGY

- B75. A detailed **Public Art Strategy** must be prepared in consultation with local Indigenous artists and in consultation with and endorsed by Council. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, and ongoing maintenance methodology and associated budgeting arrangements.
- B76. The Public Art Strategy shall include, but not be limited to, interpretive signage to indicate traditional ownership and previous use of the land by Indigenous populations.
- B77. Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with the above requirements shall be submitted to the Certifier and to the Planning Secretary.

OPERATIONAL WASTE MANAGEMENT PLAN

B78. A detailed **Operational Waste Management Plan (OWMP)** detailing the waste and recycling storage and removal strategy for all of the development, is required to be prepared in consultation with Council, prior to the issue of the relevant construction certificate.

The **OWMP** is required to address the relevant matters in Council's Waste Management Guidelines in New Developments 2018 and must include the following details (as applicable):

- (a) The use of the premises and the number and size of occupancies.
- (b) The type and quantity of waste to be generated by the development.
- (c) Details of the proposed recycling and waste disposal contractors including confirmation from a private waste collector that they could use the turntable and park the waste collection truck and offer a wheel in/wheel out service between the student housing developments on the subject site at 104-116 Regent Street and the neighbouring property at 90 Regent Street, Redfern
- (d) Waste storage facilities and equipment including dedicated spaces for the storage and recycling of bulky waste, problem waste, strip out and food waste.
- (e) Access and traffic arrangements for waste disposal contractor vehicles.
- (f) The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials, and implementation of a booking system for all deliveries and loading/unloading activities.

Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with this requirement shall be submitted to the Certifier and to the Planning Secretary.

DESIGN EXCELLENCE AND INTEGRITY

- B79. To ensure design continuity and excellence of the approved scheme is maintained, Antoniades Architects (lead architect for the EIS) is to be retained throughout the development process, to:
- (a) endorse the design drawings for construction;
 - (b) endorse the design drawings for the contract documentation;
 - (c) maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project;
 - (d) provide any documentation required by the consent authority verifying the design intent has been achieved at completion; and
 - (e) attend all meetings that pertain to design issues with the community, authorities, and other stakeholders, as required.

Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with this requirement shall be submitted to the Certifier.

EASEMENT TO DRAIN WATER

B80. Prior to the issue of the first Construction Certificate, evidence must be provided to the Certifier and to the Planning Secretary that a Deposited Plan and Section 88B Instrument to the satisfaction of Council has been registered with the office of NSW Land Registry Services to drain water from William Lane to Margaret Street along the eastern boundary of 13-23 Gibbons Street (Lot 1 in DP 1002798).

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

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

CERTIFIED PLANS

- C3. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.
- C4. A copy of the Construction Certificate shall be submitted to the Planning Secretary.

ACCESS TO INFORMATION

- C5. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A2** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMMUNITY COMMUNICATION STRATEGY

- C6. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C7. The Community Communication Strategy must:
 - (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

The Community Communications Strategy must be submitted to the Planning Secretary no later than one month before the commencement of any work and must be implemented for a minimum of 12 months following the completion of construction.

COMPLIANCE REPORTING

- C8. No later than 2 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program, prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018), must be submitted to the Department.
- C9. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C10. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

COMPLIANCE

- C11. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

COMPLAINTS AND ENQUIRIES PROCEDURE

- C12. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - a postal address to which written complaints and enquiries may be sent; and
 - an email address to which electronic complaints and enquiries may be transmitted.

PUBLIC LIABILITY INSURANCE

- C13. Prior to the commencement of any works on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

PRE-CONSTRUCTION DILAPIDATION REPORT

- C14. The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifier prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council and each of the affected property owners.

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

- a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- 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;
- each image is to be numbered and cross referenced to a site location plan;
- 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
- include written confirmation, issued with the authority of both the Applicant and the photographer that Council is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

CONTAMINATION

- C15. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the satisfaction of Certifier. The UFP must be implemented for the duration of construction works. Details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements must be submitted to the Planning Secretary.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C16. Prior to the commencement of any works, a **Construction Environmental Management Plan (CEMP)** shall be submitted to the Certifier. The **CEMP** must address, but not be limited to, the following matters where relevant:

- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) flora and fauna management.
- (b) Construction Traffic and Pedestrian Management Sub-Plan
- (c) Construction Noise and Vibration Management Sub-Plan
- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (g) an unexpected finds protocol for contamination and associated communications procedure
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

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.

The applicant shall submit a copy of the **CEMP** to the Department and to the Council, prior to commencement of work.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

C17. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP) specifying matters including, but not limited to, the following:

- (a) A description of the development;
- (b) Location of any proposed work zone(s);
- (c) Details of crane arrangements including location of any crane(s);
- (d) Haulage routes;
- (e) Proposed construction hours;
- (f) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
- (g) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
- (h) Details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- (i) Pedestrian and traffic management measures;
- (j) Construction program and construction methodology;
- (k) A detailed plan of any proposed hoarding and/or scaffolding;
- (l) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction;

- (m) Cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
- (n) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The CPTMP shall be prepared in consultation with Customer Journey Planning (formerly Sydney Coordination Office) within TfNSW and Council. The final CPTMP must be endorsed by TfNSW and Council prior to the commencement of any works.

A copy of the final CPTMP, endorsed by TfNSW and Council, is to be provided to the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C18. Prior to the commencement of any construction work (including demolition), a **Construction Noise and Vibration Management Sub Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifier. The **CNVMP** shall (but not be limited to):
- (a) identification of the specific activities that will be carried out and associated noise sources at the site;
 - (b) identification of all potentially affected sensitive residential receiver locations;
 - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the CNVMP, or as undertaken in the EIS;
 - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
 - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
 - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
 - (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
 - (j) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action;
 - (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the CNVMP;
 - (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - (m) measures to monitor noise performance and respond to complaints;
 - (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
 - (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
 - (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

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

AIR QUALITY MANAGEMENT SUB PLAN

- C19. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);

- (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
 - (c) mission statement;
 - (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.
- C20. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- C21. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C22. Prior to the commencement work, a Construction **Waste Management Sub Plan (CWMP)** must be prepared and submitted to the Certifier. The **CWMP** must:
- (a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
 - (b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
 - (c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;
 - (e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the site; and
 - (f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour.

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

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C23. Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a **Construction Soil and Water Management Sub Plan (CSWMP)** which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
 - (c) detail all off-Site flows from the Site
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- C24. A copy of the CSWMP must be kept on-site at all times and made available on request. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
- C25. All management measures recommended and contained within the CSWMP shall be implemented prior to commencement of any site works or activities.

CONTROLLED ACTIVITIES WITHIN PROTECTED AIRSPACE

- C26. Prior to the commencement of above ground works, separate approval must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the *Airports (Protection of Airspace) Regulations 1996* for any construction equipment (e.g. cranes) required to construct the building that penetrates the Obstacle Limitation Surface.
- C27. The Secretary shall be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

UTILITY SERVICES

- C28. 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.
- C29. Prior to the commencement of work, other than above ground demolition and site clearing works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

PROTECTION OF SURVEY INFRASTRUCTURE

- C30. 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.

HOARDING

- C31. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:
- (a) architectural, construction and structural details of the design as well as proposed artwork; and
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

BARRICADE PERMIT

- C32. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

ROAD OCCUPANCY LICENCE

- C33. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

TREE PLANTING

- C34. Prior to planting trees in the public domain, certification from the tree supplier must be submitted to Council confirming that the trees comply with the requirements of AS2302. Evidence of Council's agreement must be provided to the Certifier prior to planting.
- C35. Prior to planting trees in the public domain, Council's Tree Management Officer (or their representative) must inspect and approve the tree pits.

SITE SUPERVISION AND REPORTING

- C36. An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
- (a) The installation of tree protection measures prior to the commencement of any construction works;
 - (b) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (c) During any excavation and trenching within the Tree Protection Zone;
 - (d) During any Landscape works within the TPZ which has been approved by Council.

- C37. An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Coordinator or Area Planning Manager at each hold-point listed below:
- (a) Certification that tree protection measures have been installed in accordance with these consent conditions;
 - (b) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (c) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.

TREE PROTECTION ZONES

- C38. Before the commencement of works, a Tree Protection Zone (TPZ) not less than a 4m radius must be established around the tree to be retained on Regent Street (*Platanus acerifolia*/ London Plane Tree) in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

The protection must be installed and certified by a qualified Arborist (AQF Level 3) and must include:

- (a) An adequate clearance must be provided between the structure and tree branches and trunks at all times
- (b) Tree trunk/s and/or major branches must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
- (c) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
- (d) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

STREET TREE PRUNING AND REMOVAL

- C39. The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- C40. Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

TEMPORARY DEWATERING DURING CONSTRUCTION

- C41. Prior to discharging any water collected during excavation and construction into the Council's stormwater drainage system, approval must be sought from Council. A dewatering management plan must be submitted with an Application for Temporary Dewatering available to download on Council's website.
- C42. Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or offsite disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

STORMWATER DRAINAGE CONNECTION

- C43. For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

PART D DURING CONSTRUCTION

HOURS OF CONSTRUCTION

- D1. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 5:30 pm, Mondays to Fridays inclusive; and
 - (b) between 7:30 am and 3:30 pm, Saturdays.
- D2. No work may be carried out on Sundays or public holidays.
- D3. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D4. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D6. The Applicant shall ensure that the requirements of the **CEMP**, **CPTMP**, **CNVMP**, **CWMP**, **CSWMP**, **AQMP**, **GMP** and **UFP** required by **Parts B and C** of this consent are implemented during construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D7. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- D8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D9. Heavy vehicles and oversized vehicles must not queue or idle on Gibbons Street, Margaret Street or William Lane outside of construction zones awaiting access to the site.
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D11. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- D12. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
 - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
 - (d) these limits apply unless otherwise outlined in the **CNVMP**.
- D13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific **CNVMP** required by this consent.

VIBRATION MONITORING

- D14. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer registered with the National Engineering Register (NER) with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as

being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

- D15. If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event. Where any such alarm triggers all excavation works must cease immediately.
- D16. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional Engineer.
- D17. Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.
- D18. A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.
- D19. Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land, the Engineer registered with the NER, Principal Contractor and any Sub-Contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the Engineer registered with the NER to prevent any further damage and restore support to the supported land.

APPROVED PLANS TO BE ON-SITE

- D20. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the PCA.

SITE NOTICE

- D21. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;
 - (b) the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

DISPOSAL OF SEEPAGE AND STORMWATER

- D22. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

COVERING OF LOADS

- D23. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D24. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

WASTE MANAGEMENT

- D25. Notwithstanding the **CWMP** referred to in **Condition C22**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
 - (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;

- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

STOCKPILE MANAGEMENT

D26. The Applicant must ensure that:

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

DUST CONTROL MEASURES

D27. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

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

NO OBSTRUCTION OF THE PUBLIC WAY

D28. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

D29. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

EROSION AND SEDIMENT CONTROL

D30. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

SETTING OUT OF STRUCTURES

D31. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifier certifying that structural works are in accordance with the approved development application.

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

D32. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EHG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Council must also be informed. Relevant works must not recommence until written authorisation from EHG is received by the Applicant.

ASBESTOS AND HAZARDOUS WASTE REMOVAL

- D33. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- D34. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D35. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.
- D36. The Applicant must implement the **UFP** (see **Condition C15**) for the duration of construction. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SAFEWORK NSW REQUIREMENTS

- D37. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

HOARDING/FENCING REQUIREMENTS

- D38. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

LOADING AND UNLOADING DURING CONSTRUCTION

- D39. The following requirements apply:
- (a) all loading and unloading associated with demolition and construction must be accommodated on-site;
 - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

Note: A work zone will not be permitted on Regent Street and Marian Street, without prior approval of TfNSW

CONTACT TELEPHONE NUMBER

- D40. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.
- D41. The builder's direct contact number shall be provided to small businesses adjoining or impacted by the construction work and TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number (to be submitted via sco@transport.nsw.gov.au) is current during any stage of construction.

SYDNEY METRO – SUPERVISION

- D42. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25 m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

SYDNEY METRO – CONSULTATION

- D43. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- D44. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying

out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

- D45. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

SYDNEY METRO - INSPECTIONS

- D46. Written notice must be given to Sydney Trains at least 5 business days before any of the following events occur within 25 m of rail corridor land, so that Sydney Metro may inspect the carrying out or completion of these works on the development site:
- (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation;
 - (e) other excavation;
 - (f) surveying of foundation, pile and anchor excavation and surveying as-built excavations;
 - (g) other concreting; or
 - (h) any other event that Sydney Metro has notified to the Applicant.
- D47. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.
- D48. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

TREE PLANTING

- D49. Tree planting in the public domain must be planted by a qualified Arborist or Horticulturist (AQF Level 3).

TREE PROTECTION

- D50. The following works must be excluded from within any TPZs:
- (a) Excavation
 - (b) Soil cut or fill including trenching
 - (c) Soil cultivation, disturbance or compaction
 - (d) Stockpiling, storage or mixing of materials
 - (e) The parking, storing, washing and repairing of tools, equipment and machinery.
 - (f) The disposal of liquids and refuelling
 - (g) The disposal of building materials
 - (h) The siting of offices or sheds
 - (i) Any action leading to the impact on tree health or structure
- D51. Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- D52. All work undertaken within or above the TPZ must be:
- (a) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (b) Supervised by a qualified Arborist

- D53. The tree to be retained on Regent Street (*Platanus acerifolia*/ London Plane Tree) and all other street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:
- (a) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
 - (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
 - (c) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (d) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy or
 - (ii) within two (2) metres of tree trunks or branches or any street trees
 - (e) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand;
 - (f) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within four metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services;
 - (g) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
 - (h) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

PART E E5E5PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

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

GFA AND HEIGHT CERTIFICATION

- E2. A Registered Surveyor is to certify that the GFA of the building does not exceed 9,557 m² and the height of the building does not exceed RL 85.100 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.
- E3. Prior to the issue of any Occupation Certificate, a certified surveyor must provide written notification to the Sydney Airport Corporation Ltd (SACL) Airfield Design Manager of the finished height of the building.

OPERATIONAL PLAN OF MANAGEMENT

- E4. Prior to the occupation or commencement of use, a detailed **Operational Plan of Management (OPM)** shall be submitted to and approved by the Planning Secretary. The **OPM** must be prepared in consultation with Council and NSW Police. The **OPM** must address (but not be limited to):
- management of communal areas and open spaces (see **Conditions F2 to F7**);
 - loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting;
 - tenant induction and education programs regarding use of the building's environmental systems; and
 - community consultation and complaint management.

LOADING AND SERVICING MANAGEMENT

- E5. Prior to the issue of any Occupation Certificate, the applicant shall prepare a Loading and Servicing Management Plan in consultation with Council and TfNSW and endorsed by TfNSW. The plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated, including, but not be limited to, the following:
- Details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.
 - Details of measures to manage any potential traffic and safety impacts of the loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading docks.
 - Demonstration of how the loading dock can adequately accommodate demand and servicing requirements for this development in addition to the neighbouring development (90-102 Regent Street, Redfern).
 - Details of how access to the loading dock will be achieved and has been implemented in the design of the development and adjoining development (90-102 Regent Street, Redfern).

A copy of the final plan shall be to the Planning Secretary. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to the issue of any Occupation Certificate.

TREE PLANTING, LANDSCAPING AND PUBLIC DOMAIN WORKS

- E6. All tree planting, landscaping and public domain works approved by **Condition A2**, must be completed in accordance with the approved plans, including the detailed landscape plan (see **Condition B22**), prior to the issue of the relevant Occupation Certificate.
- E7. Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

ROAD DAMAGE

- E8. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of use.

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

SYDNEY WATER COMPLIANCE

- E9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

UTILITY PROVIDERS

- E10. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

POST-CONSTRUCTION DILAPIDATION REPORT

- E11. Prior to the issue of any Occupation Certificate:
- (a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - (b) The report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) A copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.

STORMWATER AND DRAINAGE

- E12. Prior to the issue of any Occupation Certificate, the overland flow path in the adjacent lot (13-23 Gibbons) must be complete.

STRUCTURAL INSPECTION CERTIFICATE

- E13. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifier prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

ENVIRONMENTAL PERFORMANCE

- E14. Prior to the issue of any Occupation Certificate, the Applicant must implement the commitments outlined in BASIX Certificate No. 1259187M_02 (dated 27 May 2022).
- E15. All non-residential environmental commitments referred to in **Conditions B47 to B50** for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E16. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the NCC Section J Assessment Report prepared by Vipac and dated 9 December 2021, BASIX Assessment Report prepared by Vipac and dated 31 May 2022, and Alternative Performance Solution for Natural Ventilation prepared by Vipac dated 9 December 2021 and addendum dated 3 June 2022 (see **Condition B46**).

MECHANICAL VENTILATION

- E17. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifier, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
 - (b) *Australian Standard AS1668* and other relevant codes;
 - (c) the development consent and any relevant modifications; and,
 - (d) any dispensation granted by Fire and Rescue NSW.

NUMBERING

- E18. Prior to the issue of any Occupation Certificate, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of

Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

E19. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the CPTED Report, prepared by Elton Consulting, dated 2 December 2021 have been implemented.

WIND MITIGATION MEASURES

E20. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all wind mitigation recommendations of the Updated Environmental Wind Assessment, prepared by SLR Consulting Pty Ltd, dated 2 June 2022.

FIRE SAFETY CERTIFICATION

E21. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

SANITARY FACILITIES FOR DISABLED PERSONS

E22. Prior to occupation and commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B55**.

BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION

E23. Prior to the issue of the relevant Occupation Certificate, details shall be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces required under **Condition B51**.

WASTE AND RECYCLING COLLECTION

E24. Prior to the issue of any Occupation Certificate, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, through-site link and reserves at any time.

E25. Prior to the issue of any Occupation Certificate, the owner or Applicant is required to contact Council's City Services Department, to make the necessary arrangements for the collection of waste from the premises. The waste storage areas shall be clearly signposted.

E26. Prior to the relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifier must ensure that waste handling works have been completed in accordance with the **OWMP**.

ACOUSTIC COMPLIANCE

E27. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Conditions B63** and **B64** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

PUBLIC ART STRATEGY IMPLEMENTATION

E28. Prior to issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all elements of the detailed **Public Art Strategy** have been implemented, including ongoing maintenance and associated budgeting arrangements (see **Condition B75**).

EXTERNAL WALLS AND CLADDING FLAMMABILITY

E29. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

PROTECTION OF PUBLIC INFRASTRUCTURE

E30. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development

GREEN TRAVEL PLAN

- E31. Prior to issue of an Occupation Certificate, the Green Travel Plan (prepared by TTPP Transport Planning, version V02, dated 2 December 2021) shall be updated to include a mechanism to monitor the effectiveness of the measures of the plan.

The updated Green Travel Plan shall be submitted to sco@transport.nsw.gov.au and endorsed by TfNSW.

A copy of the final plan shall be submitted to the Planning Secretary. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to the issue of the Occupation Certificate.

TRANSPORT ACCESS GUIDE

- E32. Prior to issue of an Occupation Certificate, a Transport Access Guide must be prepared in consultation with TfNSW. The Transport Access Guide shall include the following:

- (a) Information regarding lack of off-street car parking and passenger pick-up and set-down areas at the development site
- (b) Suitable nearby drop-off/pick-up locations; and
- (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (d) Suitable nearby Taxi Zones.

A copy of the final plan shall be submitted to the Planning Secretary. Details demonstrating compliance with these requirements must be submitted to the Certifier prior to the issue of the Occupation Certificate.

SYDNEY METRO - DOCUMENTATION

- E33. Prior to issuing any Occupation Certificate, copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records.
- E34. Prior to the issue of any Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Metro confirming that this condition has been satisfied.

ARBORICULTURAL COMPLIANCE REPORT

- E35. A final Arboricultural Compliance Report must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

ADVANCED TREE PLANTING

- E36. Prior to the issue of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to Council for review, and written confirmation is to be received that all trees have been planted to Council's satisfaction (excluding tree maintenance).

RIGHT OF ACCESS

- E37. Prior to the issue of any Occupation Certificate or commencement of use, evidence is to be provided to the Certifier that a documentary Right of Access (or similar) has been created and registered on the Title of the neighbouring land (90-102 Regent Street, Redfern) benefiting the users of this land (104-116 Regent Street, Redfern) for access to the loading dock and any associated back of house areas pursuant to Section 88B of the Conveyancing Act 1919. The Right of Access is to be defined in stratum over all areas, corridor, paths, lifts, and/or stairs giving access to the relevant areas for loading, deliveries, servicing, and waste management.

SWINGING DOORS OVER PUBLIC DOMAIN

- E38. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

- E39. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

NO OBSTRUCTIONS – PUBLIC DOMAIN

- E40. All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, i.e., the existing green pillar on Regent Street frontage, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

PAVING MATERIAL

- E41. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

PUBLIC DOMAIN WORKS COMPLETION

- E42. The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, Council's Public Domain Manual, Stormwater Drainage Manual, Sydney Lights Design Code and Sydney Streets Technical Specification.

The public domain work must be inspected, and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

PUBLIC DOMAIN COMPLETION – WORKS AS EXECUTED DOCUMENTATION

- E43. Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (AsBuilt) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

- E44. Prior to the issue of any Occupation Certificate, the Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- E45. Prior to the issue of any Occupation Certificate a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

CONSTRUCTION FLOOR LEVELS

- E46. A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Review of Flood Related Development Controls for Building Floors 104-116 Regent Street, Redfern, Response to Council Submission, prepared by WMA Water dated 19 September 2022.

SURVEY INFRASTRUCTURE - RESTORATION

- E47. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with
 - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and
 - (c) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

ENCROACHMENTS – PUBLIC WAY

- E48. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

PART F POST OCCUPATION – DURING OPERATION

OPERATIONAL PLAN OF MANAGEMENT

F1. The **OPM** and all relevant plans must be fully implemented during use of the premises.

OPERATIONAL RESTRICTIONS

F2. The use of the communal facilities, including the external terraces on levels 2, 4 and 16 is restricted to residents and their guests.

F3. Use of the of the external terraces on levels 2, 4 and 16 are restricted to:

- (a) between 8 am and 10 pm, Sundays to Thursdays inclusive; and
- (b) between 8 am and midnight on Fridays, Saturdays and any day immediately before a public holiday

F4. Amplified noise/music is prohibited within external terraces and only low-level background music is permitted in internal communal areas.

F5. Alcohol is prohibited to be consumed within the building, except within student rooms and the internal communal areas.

F6. Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.

F7. Noise associated with the operation of the development shall not give rise to the transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

FIRE SAFETY CERTIFICATE

F8. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E21** of this consent.

NOISE CONTROL – PLANT AND MACHINERY

F9. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

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

LOADING AND UNLOADING

F10. All loading and unloading operations associated with the site must be carried out:

- (a) in accordance with the endorsed Loading and Servicing Management Plan (see **Condition E5**), at all times and must not obstruct other properties/units or the public way; and
- (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

F11. All vehicles must enter and exit the site in a forward direction.

WASTE MANAGEMENT

F12. Waste Management shall be undertaken in accordance with the **OWMP** (see **Condition B78**).

NO OBSTRUCTION OF THE PUBLIC WAY

F13. The public way must not be obstructed by any materials, waste, vehicles, refuse, skips or the like under any circumstances.

OUTDOOR FURNITURE

F14. Lightweight furniture is not permitted within communal open space areas unless securely attached to the floor slab. Use of loose glass-tops and lightweight sheets or covers is not permitted.

ANTI-GRAFFITI

F15. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE

F16. Within six months of the issue of the final Occupation Certificate, a Plan of Management for the ongoing maintenance of landscaped areas and tree planting is to be prepared and adopted by the operator of the student accommodation.

AIRSPACE PROTECTION

F17. For the purposes of controlled activities within the prescribed airspace for Sydney Airport, all structures must not exceed a maximum height of RL 87m AHD inclusive of all lift overruns, vents, chimneys, aerials, antennas, lightning rods, any rooftop planting, exhaust flues, and the like.

CAR PARKING PERMITS

F18. Residents are not permitted to obtain on-street car parking permits from City of Sydney Council.

LOADING AND SERVICING MANAGEMENT

F19. The Loading and Servicing Management Plan shall be implemented and maintained by the operator of the student accommodation (see **Condition E5**).

GREEN TRAVEL PLAN

F20. The updated Green Travel Plan shall be reviewed and updated annually in consultation with the TfNSW, residents, staff and visitors and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes (see **Condition E31**).

The plan (as reviewed and updated annually) shall be implemented and maintained by the operator of the student accommodation.

TRANSPORT ACCESS GUIDE

F21. The Transport Access Guide shall be implemented and maintained by the operator of the student accommodation and be made available to staff, guests, clients, customers, and visitors at all times (see **Condition E32**).

MAINTENANCE OF TREES ON SITE

F22. Tree maintenance must be implemented and complied with immediately following tree planting, and until the tree reaches the required minimum height limit of six metres in height and six metres canopy width.

F23. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilising, pest and disease control and any other operations required to maintain a healthy robust tree.

F24. At the end of a twelve month maintenance period, written acceptance of the tree/s must be obtained from Council before release of the public domain bond. If a tree fails to thrive and successfully establish during the maintenance period, then Council will require payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

MAINTENANCE OF LANDSCAPING

F25. Landscaping in communal areas and the podium must be maintained in accordance with the respective maintenance plans in **Condition B22**.

DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

F26. All works to the City's public domain, including rectification of identified defects, are subject to a six month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works Letter of Completion Operational Acceptance.

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4.

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

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

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

BUILDING PLAN APPROVAL

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

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

WORKS AND SIGNPOSTING

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

END OF ADVISORY NOTES

APPENDIX 1 - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A16 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.