

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Independent Planning Commission of NSW (the Commission), approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Member of the Commission Member of the Commission Member of the Commission

Sydney

2019

File: DOC19/88068

SCHEDULE 1

Application No.:

SSD 9275

Applicant:

Iglu No.209 Pty Limited

Consent Authority:

Minister for Planning

Site:

80-88 Regent Street, Redfern (Lots A, B, C, D, E DP 105824)

Development:

18 storey mixed use student accommodation building comprising:

- 265 student accommodation beds within 185 units
- Communal student facilities, including study areas, rooftop terrace and laundry facilities
- Three ground floor retail tenancies
- One commercial tenancy
- Landscaping and public domain works
- Extension of services and infrastructure

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Iglu No.209, or any person carrying out any development to which this consent relates
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation
Council	City of Sydney Council
Crown Building Works Certificate	Certification of Crown building works under section 6.28 of the EP&A Act
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
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 and RTS, including the works and activities comprising the mixed use student accommodation project, as modified by the conditions of this consent.
DPI	NSW Department of Primary Industries
Evening	The period from 6 pm to 10 pm
EIS	The Environmental Impact Statement titled ' <i>80-88 Regent Street, Redfern – Student Accommodation</i> ', prepared by Ethos Urban, dated 13 September 2018, 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
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 practicable 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"> (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) 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)
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
OEH	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction
PCA	Means a principal certifying authority appointed under section 6.5 of the EP&A Act, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building Work
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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RTSAR	The Applicant's response to submissions addendum reports and additional information
RMS	NSW Roads and Maritime Services
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

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 and RTS and RTSAR; and
- d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Bates Smart			
Drawing No	Revision	Name of Plan	Date
A01.001	C	Site Plan	29/03/19
A03.101	D	Ground Floor Plan	20/05/19
A03.102	D	Level 00 Mezzanine	20/05/19
A03.103	C	Level 01	29/03/19
A03.104	C	Level 02	29/03/19
A03.105	D	Floorplate Level 03, 07, 12, 13	20/05/19
A03.106	C	Floorplate Level 04, 08, 14	29/03/19
A03.107	C	Floorplate Level 05, 09, 10, 15, 16, 17	29/03/19
A03.108	C	Floorplate Level 06, 11	29/03/19
A03.119	C	Roof Terrace level	29/03/19
A03.120	A	Roof Plan	29/03/19
A09.001	C	Elevation East	29/03/19
A09.002	C	Elevation South	29/03/19
A09.003	C	Elevation West	29/03/19
A09.004	C	Elevation North	29/03/19
A10.0001	C	Section A	29/03/19
A10.0002	C	Section B	29/03/19

A3 Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

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

- A4 The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

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 including food and drink premises' fit-out and hours of operation
- Business premises' fit-out and hours of operation
- Office premises' fit-out and hours of operation
- Installation of signage

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

Prescribed Conditions

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

Long Service Levy

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

Legal Notices

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

Revision of Strategies, Plans and Programs

- A10 Within three months of:

- a) the submission of a Compliance Report under condition C4;
- b) the submission of an incident report under condition A13;
- c) the submission of an Independent Audit under condition C7;
- d) the approval of any modification of the conditions of this consent; or
- e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this

consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

Evidence of Consultation

A11 Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Structural Adequacy

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

Notes:

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

Incident Notification, Reporting and Response

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

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

Non-Compliance Notification

A14 The Department must be notified in writing to compliance@planning.nsw.gov.au 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.

A15 The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

Monitoring and Environmental Audits

A17 Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent 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

A18 References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A19 However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Operation of Plant and Equipment

A20 All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1 The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA:
- B2 Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority 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.
- B3 The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Structural Details

- B4 Prior to the commencement of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority 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.

Airspace Protection

- B5 The height of the approved building will penetrate prescribed airspace for Sydney Airport above the site. Accordingly, the development constitutes a 'controlled activity' under section 182 of the *Airports Act 1996*.

Prior to the issue of any Construction Certificate, approval for the controlled activity must be obtained from the Civil Aviation Safety Authority (CASA) / the Federal Department of Infrastructure and Regional Development.

Redfern-Waterloo Contributions Plan 2006

- B6 To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions are required in accordance with the *Redfern-Waterloo Authority Contributions Plan 2006*.

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

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution in the amount of \$798,600 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Proof of payment of this contribution to the Urban Growth NSW Development Corporation (UGDC) shall be provided to the Certifying Authority prior to the issue of any Construction

Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the issue of any Construction Certificate, written verification of this should be provided by UGDC and provided to the Certifier. No deferred or periodic payments are permitted.

Phone 9209 4432 or email info@ugdc.nsw.gov.au to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC.

A copy of *Redfern-Waterloo Authority Contributions Plan 2006* is available for inspection at the offices of UGDC, Suite 103 International Business Centre, 2 Cornwallis Street Eveleigh NSW 2015 or from the website www.ugdc.nsw.gov.au.

Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

- B7 To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*, the levy is calculated at \$86.88 per square metre (being the rate at 1 July 2018) of the total gross floor area of the proposed development. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in *Rawlinson's Australian Construction Handbook*. This is in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and Clause 9 of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Affordable Contributions Plan 2006*, a contribution in the amount of \$556,640 plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

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

Phone 9209 4432 or email info@ugdc.nsw.gov.au to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.

A copy of *Redfern-Waterloo Affordable Housing Contributions Plan 2006* is available for inspection at the offices of UGDC, Suite 103, International Business Centre, 2 Cornwallis Street, Eveleigh, NSW 2015 or from the website www.ugdc.nsw.gov.au

GFA certification

- B8 The GFA of the building must not exceed 7,377 m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

BASIX certification

B9 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 695486M_07 and an updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

Access for People with Disabilities

B10 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Geotechnical Design, Certification and Monitoring Plan

B11 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, where appropriate, oversee the construction of all subsurface structures associated with the development.

This Engineer is to prepare, or obtain from relevant members of the engineering team, the following documentation:

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

The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the commencement of any works. Copies of the certification and GMP must be provided to TfNSW and the Planning Secretary.

Sydney Metro and SouthWest

- B12 Prior to the issue of a Construction Certificate, the Applicant is to consult with TfNSW to review the proposed development and address the following matters:
- a) the design, construction and maintenance of the development so as to satisfy the requirements in (b) to (i) below;
 - b) allowances for the future construction of Sydney Metro City and Southwest railway tunnels in the vicinity of the approved development;
 - c) allowances in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray electrical currents, electromagnetic fields and fire safety;
 - d) provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - e) such other matters which TfNSW considers are appropriate to give effect to (a) to (e) above;
 - f) such other matters as the owners and TfNSW may agree;
 - g) the design and construction of the foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. For the Sydney Metro City and Southwest the developer shall develop their foundation design to ensure that all loads be transferred and have no adverse impacts on the Sydney Metro City and Southwest tunnel structures;
 - h) demonstrate that the deformation induced by the excavation will not have adverse impacts on Sydney Metro City and Southwest tunnels.

Note: TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

CBD Rail Link (CBDRL) Corridor

- B13 Prior to the issue of a Construction Certificate, the Applicant shall undertake the following to the satisfaction of TfNSW:
- a) foundational load assessment, impact assessment / analysis on the rail corridor below, foundation plans and depth of piles. This information is required to make an appropriate assessment whether the building foundations will have any impact on the future CBDRL corridor infrastructure.
 - b) a rail noise and vibration assessment for the CBDRL corridor.

Public Domain Plan

B14 The Applicant shall ensure the following:

- a) A detailed **Public Domain Plan** for the Regent Street, Marion Street and William Lane frontages must be lodged with Council's Public Domain Section and approved by Council prior to the issue of the relevant Construction Certificate. The Public Domain Plan is to be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*); and
- b) The **Public Domain Plan** documents all works required to ensure that the public domain complies with the Council's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps and other relevant public domain elements. The Public Domain Plan submission is to incorporate the approved Alignment Levels (refer to condition B14). If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, an amended

Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works.

Public Domain Works – Regent Street, Marion Street and William Lane Frontages - Alignment Levels

B15 The Applicant shall ensure the following:

- a) Alignment levels for the building and site frontages of the building are submitted to and approved by Council prior to the issue of the relevant Construction Certificate. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on Council's website);
- b) If the proposed detailed design of the public domain (refer to condition B13) requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works;
- c) The works to the public domain are completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before the use of the development commences, whichever is earlier;
- d) If required by Council, a Public Domain Works Deposit is paid to Council for the public domain works, in accordance with the Council's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section is contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to the issue of the relevant Construction Certificate.

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

Public Domain Works – Regent Street, Marion Street and William Lane – Hold Points and Handover

B16 The Applicant shall ensure the following:

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

Public Domain Damage Deposit – Regent Street, Marion Street and William Lane Frontages

B17 A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphaltic concrete site frontage must be lodged with Council in accordance with the Council's of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to the issue of the relevant Construction Certificate.

The Bank Guarantee will be retained in full until the use of the development commences and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

Landscape Plan

B18 A detailed **Landscape Plan** shall be prepared in consultation with Council and OEH prior to the issue of the relevant Construction Certificate. The Landscape Plan shall include, but not be limited to, the following:

- a) A detailed plant schedule prioritising native species with low water needs consistent with the Sydney Landscape Code Volume 2
- b) Maintenance, drainage, waterproofing and irrigation system.
- c) Provision for green walls and additional plantings on the roof, modelled on the NSW and ACT Government Regional Climate Modelling (NARCLiM).

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

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Environmental Sustainability

B19 The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the EIS. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Water Sensitive Design Measures

B20 The Applicant shall ensure the detailed design of the development incorporates Water Sensitive Urban Design Measures shall be prepared prior to the issue of the relevant Construction Certificate. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

- a) Rainwater tank/irrigation system
- b) On-site detention
- c) Stormwater 360's Stormfilter treatment system.

Reflectivity

B21 The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent and shall be designed so as to minimise glare.

A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Installation of Water Efficient Fixtures and Fittings

B22 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B23 All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B24 New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B25 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle Parking

B26 A minimum of 84 bicycle parking spaces are to be provided for students and staff (including staff from the commercial and retail tenancies).

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

Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Outdoor Lighting

B27 All outdoor lighting shall comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

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

Storage and Handling of Waste

B28 The design and management of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Development Control Plan 2012*. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Access for People with Disabilities

B29 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

Mechanical Ventilation

B30 The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.

B31 Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B32 The mechanical exhaust systems for the ground floor tenancies are to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

Sanitary Facilities – Food Premises

B33 The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.

Sanitary Facilities for Disabled Persons

B34 The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Sydney Water Assets

B35 Building plans must be stamped and approved by Sydney Water prior to the issue of a Construction Certificate, due to the proximity of works to Sydney Water assets.

For further assistance, please visit www.sydneywater.com.au or telephone 13 20 92.

Requirements of Public Authorities

B36 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.

Crime Prevention Through Environmental Design (CPTED)

B37 To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report dated 14 September 2018 (Appendix D of the EIS), shall implemented. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Heritage Interpretation Strategy

B38 A **Heritage Interpretation Strategy** must be prepared in consultation with local Aboriginal stakeholders prior to the issue of the relevant Construction Certificate. The Strategy must raise future building occupants' awareness of local Aboriginal culture and heritage. The Strategy shall incorporate landscape design, species selection and interpretation strategies. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

A copy of the Strategy must be submitted to the Planning Secretary prior to the issue of the relevant Construction Certificate.

END OF PART B

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

Access to Information

- C3 At least 48 hours before the commencement of construction and 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 prepared, obtained or approved) publicly available on a website:
 - i. the documents referred to in condition A2 of this consent, excluding confidential plans;
 - 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 comprehensive summary of the current stage and progress of the development;
 - vii. the contact details identified in condition B9 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.

Compliance Reporting

- C4 No later than 6 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.
- C5 Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C6 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.

Independent Audit

- C7 No later than one week before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C8 Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under condition B11 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C9 In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition B12 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Community Communication Strategy

- C10 A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney 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 completion of construction:

The Community Communication Strategy must:

- a) identify people to be consulted during the design and construction phases;
- b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

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

Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Planning Secretary.

The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

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.

Pre-Construction Dilapidation Report

C12 The Applicant is to engage a suitably qualified professional(s) 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 must be submitted to the Certifying Authority 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 affected landowners.

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

- a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location plan;
- d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

Hoarding

C13 A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- a) architectural, construction and structural details of the design as well as proposed artwork; and
- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Barricade Permit

C14 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

C15 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 Regent Street, Marion Street and William Lane. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

Note: RMS has advised it will not support an ROL on Regent Street.

Construction Environmental Management Plan

C16 Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifying Authority. The CEMP must:

- a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
- b) describe all activities to be undertaken on the site during site establishment and construction of the development;
- c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
- d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, and the OEH Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
- f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
- g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
- h) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
- i) include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

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

Construction Pedestrian Traffic Management Plan

C17 Prior to the commencement of works, an updated **Construction Pedestrian Traffic Management Plan (CPTMP)** shall be prepared by a suitably qualified person in consultation with the Sydney Coordination Office within TNSW and RMS. The CPTMP shall address (but not be limited to):

- a) location of the proposed work zone;

- b) haulage routes;
- c) construction vehicle access and traffic control arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;
- f) any changes required to on-street parking;
- g) construction program;
- h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;
- i) cumulative construction impacts of projects including Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network;
- j) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- k) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and
- l) measures to encourage public transport use and other non-car travel options by construction workers.

A copy of the final Plan must be submitted and approved by the Coordinator General, Transport Coordination within TNSW prior to the commencement of any work on site. Prior to the commencement of works, a copy of the approved CPTMP must be submitted to Council and the Planning Secretary.

Construction Noise and Vibration Management Plan

C18 Prior to the commencement of any construction (including demolition), a **Construction Noise and Vibration Management Plan** (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, TfNSW, Council and the EPA. The CNVMP shall address (but not be limited to):

- a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*
- b) identify nearby sensitive receivers and land uses;
- c) identify the noise management levels for the project;
- d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
- e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report (dated 14 December 2018) in Appendix H of the RTS;
- g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and

- h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

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

Air Quality and Odour Management Plan

C19 Prior to the commencement of any construction, an **Air Quality and Odour Management Plan** (AQOMP) must be prepared and submitted to the Certifying Authority. The AQOMP must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated and acid sulfate soils including, but not limited to:

- a) staged excavation to limit the surface area of exposed odorous material;
- b) application of odour suppressants;
- c) effective covering of stockpiles and truckloads of excavation spoil; and
- d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.

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

Waste Management Plan

C20 Prior to the commencement any construction (including demolition), a **Waste Management Plan** (WMP) must be prepared and submitted to the Certifying Authority. The WMP must:

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

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

Water and Stormwater Management Plan

C21 Prior to the commencement of the relevant works, a detailed **Water and Stormwater Management Plan**, prepared by a suitably qualified person shall be submitted to the satisfaction of the Certifying Authority.

Acid Sulfate Soils Management Plan

C22 Prior to the commencement of works, an **Acid Sulfate Soils Management Plan**, prepared by a suitably qualified person, shall be submitted to the Certifying Authority.

Contamination

C23 Prior to the commencement of any works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the Certifying Authority.

END OF PART C

PART D DURING CONSTRUCTION

Demolition

- D1 Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

Construction Hours

- D2 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7.00 am and 5.30 pm, Mondays to Fridays inclusive;
 - between 8.00 am and 3.30 pm, Saturdays.
- D3 No construction work may be carried out on Sundays or public holidays
- D4 Activities may be undertaken outside of these hours if required:
- by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5 Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6 Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- 9.00 am to 12.00 pm, Monday to Friday;
 - 2.00 pm to 5.00 pm, Monday to Friday; and
 - 9.00 am to 12.00 pm, Saturday.

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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.
- D8 Heavy vehicles and oversized vehicles must not queue or idle on Regent Street, Marion Street or William Lane outside of construction zones awaiting access to the Subject Site.
- D9 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.
- D10 Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- 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*; and
- 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.

Site Protection and Works

- D11 All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- D12 The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

Disposal of Seepage and Stormwater

- D13 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.

Approved plans to be onsite

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

Site Notice

- D15 A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
 - a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) the notice is to be 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.

Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

- D16 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEHL Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

- D17 The management and mitigation measures contained in the Aboriginal Cultural Heritage Assessment Report prepared by Artefact dated March 2019, must be implemented. 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 OEHL informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the OEHL Heritage Division is

received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

Contamination

D18 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

D19 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

D20 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.

Implementation of Management Plans

D21 The Applicant must ensure the requirements of the **Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan, Construction Waste Management Plan, Geotechnical Design, Certification and Monitoring Plan, Tree Protection Plan, Air Quality and Odour Management Plan** and **Acid Sulfate Soils Management Plan** required by **Part B** of this consent are implemented during construction.

Waste Management

D22 Notwithstanding the **Waste Management Plan** referred to in condition C21, the Applicant must ensure that:

- a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- e) the wheels of any vehicle, trailer or mobilised plant leaving the site are 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.

Asbestos and Hazardous Waste Removal

- D23 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* to ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D24 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.

Covering of Loads

- D25 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

- D26 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.

Stockpile Management

- D27 The Applicant must ensure:
- 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.

Erosion and Sediment Control

- D28 All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Dust Control Measures

- D29 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 Public Way

D30 The public way must not be obstructed other than as specified in the **Construction Pedestrian Traffic Management Plan** and Section 138 permit, 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.

Contact Telephone Number

D31 The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Acid Sulfate Soils

D32 The Applicant must ensure that any acid sulfate soils (ASS) and potential acid sulfate soils (PASS) excavated or otherwise disturbed during construction is managed in accordance with:

- a) the **Acid Sulfate Soil Management Plan** for the site;
- b) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee); and
- c) the EPA's *Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)*.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Environmental Sustainability

- E1 Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the EIS.

Mechanical Ventilation

- E2 Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the use of the development, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the Fire and Rescue NSW.

Crime Prevention Through Environmental Design

- E3 Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating the recommendations of the CPTED Report dated 14 September 2018 have been fulfilled.

Road Damage

- E4 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 prior to the occupation or commencement of the use.

Sydney Water Compliance

- E5 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to the use of the development.

Utility Providers

- E6 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.

Fire Safety Certification

- E7 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.

Structural Inspection Certificate

- E8 A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the use of the development 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 Department and 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.

Post- Construction Dilapidation Report

- E9 Prior to occupation or commencement of the use:
- a) the Applicant must 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - e) a copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.

Waste and Recycling Collection

- E10 Prior to the occupation or commencement of the use, whichever is the earlier, 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, plazas, and reserves at any time.

Sanitary Facilities for Disabled Persons

- E11 Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and condition B45.

Compliance with BASIX Certificate

- E12 Prior to the issue of any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No 695486M_07.

Protection of Public Infrastructure

- E13 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.

Public Domain Works – Hold Points and Handover

- E14 Prior to a Certificate of Completion being issued for public domain works to the Regent Street, Marion Street and William Lane frontages and before the use of the development commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional are submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

Loading and Service Management

- E15 The Applicant shall prepare a detailed Loading and Servicing Management Plan. A copy of the final Plan is to be submitted to the Coordinator General, Transport Coordination for endorsement prior to the issue of an Occupation Certificate.

The Plan needs to include freight and servicing profile, including the use of off-peak/night-time deliveries or off-site consolidation. The Plan needs to demonstrate that the freight and servicing profile for the Iglu 1 and 2 sites can be adequately accommodated in the existing loading dock at Iglu 1 without impacting on general traffic and public transport adjacent to the site.

END OF PART E

PART F POST OCCUPATION OR DURING USE

Operational Management

- F1 The **Operational Plan of Management** submitted in the EIS (Appendix V) must be fully implemented at all times during use of the premises, including but not limited to, the following key management measures:
- loud noise, including loud music is prohibited in all external areas;
 - management are to lock all external areas outside of the approved times outlined in Condition F2 below;
 - no alcohol is to be consumed within all common areas of the building, including outdoor spaces unless it is a specified Iglu run event;
 - signs installed at the rooftop and podium requiring occupants to leave quietly and prohibiting alcohol (unless at an Iglu run event);
 - complaints handling and resolution procedures.

Operational Restrictions

- F2 Operational restrictions shall apply as specified in the table below.

Aspect	Restriction
Podium Terrace	<p>Use of the podium terrace is limited to between 7 am and 10 pm Monday to Saturday, and 8 am to 9 pm Sunday and public holidays.</p> <p>Use of the podium terrace is limited to residents of the student accommodation building and their guests.</p> <p>Amplified music is prohibited at all times.</p>
Rooftop Terrace	<p>Use of the rooftop terrace is limited to between 7 am and 10 pm Monday to Saturday, and 8 am to 9 pm Sunday and public holidays.</p> <p>Use of the rooftop terrace is limited to residents of the student accommodation building and their guests.</p> <p>Amplified music is prohibited at all times.</p>
Playing of amplified music outdoors	No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.
Playing of amplified music indoors	Internal speakers must not be placed to

	direct the playing of music towards the public domain or outdoor areas associated with the premises.
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Noise Control – Plant and Machinery

- F3 Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- a) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or
 - b) exhibit tonal, impulsive or other annoying characteristics.

Noise Control – General Use

- F4 Noise associated with the operation of the premises, shall not give rise to 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.

Unobstructed Driveways and Parking Areas

- F5 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Loading/Unloading

- F6 All loading and unloading operations associated with the site must be carried out:
- a) in accordance with the LDSP (condition E15);
 - b) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and
 - c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Annual Fire Safety Certificate

- F7 An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

FIRE SAFETY CERTIFICATION

- F8 The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition D18 of this consent.

Storage and Handling of Waste

- F9 All waste collection services must be undertaken in accordance with the Waste Management Plan in the EIS. Waste collection must not occur outside the hours of 7.30 am to 6 pm Monday to Saturday or at any time on
- F10 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

Wastewater Disposal

- F11 All domestic wastewater must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.

Signage

- F11 Future signage must be installed consistent with the approved signage zones.
- F12 Signage illumination must not exceed relevant Australian Standards.

END OF PART F

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4.

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

DISABILITY DISCRIMINATION ACT

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

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

- a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

- b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

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

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

END OF ADVISORY NOTE

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au 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 A12 and A13 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

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

INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.