

Development Consent

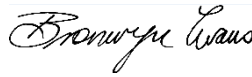
Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, 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.



Dr Sheridan Coakes (Chair)
Member of the Commission



Dr Bronwyn Evans AM
Member of the Commission



Richard Pearson
Member of the Commission

Sydney

4 September 2024

File: SSD 32275057

SCHEDULE 1

Application Number:	SSD 32275057
Applicant:	EG Funds Management Pty Ltd
Consent Authority:	Independent Planning Commission
Site:	175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (Lot 5 DP 68798, Lot 4/2 DP 977379, Lot 3/2 DP 977379, Lot 1 DP 780307, Lot 10 DP 809537, Lot 1 DP 1093304, Lot 1 DP 724328, Lot 15 DP 57107)
Development:	Construction of a six-storey mixed use co-living development, comprising: <ul style="list-style-type: none">• a total GFA of 6,617.4 m², consisting of:<ul style="list-style-type: none">◦ residential GFA of 5,839.2 m²◦ non-residential GFA of 778.2 m²• 200 co-living rooms (91 single and 109 double rooms)• 793.2 m² of communal open space, including an internal courtyard and rooftop garden• 526.9 m² of communal living areas• ground and first floor co-working, commercial/retail and multi-purpose spaces• parking for 15 car spaces, 13 motorcycle spaces and 235 bicycle spaces• associated landscape works and provision of a through-site link• extension and augmentation of related services and infrastructure• indigenous public art.

Right of Appeal

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

DEFINITIONS

Applicant	EG Funds Management Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
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 site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Consultation	Where conditions of this consent require consultation with an identified party, the Applicant must: <ul style="list-style-type: none"> • 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.
Council	City of Sydney
CPTED	Crime 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 destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled Proposed Mixed-Use Co-Living Housing Development, prepared by Mecone, dated October 2022, 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 2021</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
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 people 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).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
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 Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SDRP	State Design Review Panel
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.
Site	The land identified in Schedule 1
SSD	State Significant Development
TfNSW	Transport for NSW
Tenanted Component	Has the same meaning as the definition of the term in section 71 of the <i>State Environmental Planning Policy (Housing) 2021</i>
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 GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The development must only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, RtS and any RRFI;
- (c) in accordance with any management plan required to be prepared under the conditions of this consent;
- (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by Mark Shapiro Architects			
Drawing Number	Rev	Name of Plan	Date
SSD2000	D	Demolition Plan	1/12/23
SSD2001	D	Basement Plan	1/12/23
SSD2002	D	Ground Floor Plan	1/12/23
SSD2003	D	Level 1 Plan	1/12/23
SSD2004	D	Level 2 Plan	1/12/23
SSD2005	D	Level 3 Plan	1/12/23
SSD2006	D	Level 4 Plan	1/12/23
SSD2007	D	Level 5 Plan	1/12/23
SSD2008	D	Roof Plan	1/12/23
SSD2010	D	Type A, B, B2 Typical Room Layouts	1/12/23
SSD2011	D	Type C, D, D2, D3 Typical Room Layouts	1/12/23
SSD2012	D	Type E Typical Room Layouts	1/12/23
SSD2013	D	Type F-G Typical Room Layouts	1/12/23
SSD2014	D	Type H-I Typical Room Layouts	1/12/23
SSD2015	D	Type B4, B5, E5 Typical Room Layouts	1/12/23
SSD2300	D	Section A	1/12/23
SSD2301	D	Section B	1/12/23
SSD2302	D	Section C	1/12/23
SSD2303	D	Section D	1/12/23
SSD2304	D	Ramp Sections	1/12/23
SSD2400	D	West Elevation (Eveleigh Street)	1/12/23
SSD2401	D	East Elevation (Woodburn Street)	1/12/23

SSD2402	D	North Elevation	1/12/23
SSD2403	D	South Elevation	1/12/23
SSD2404	D	Street Context Elevations	1/12/23
SSD2405	D	Materials Finishes – Eveleigh Street	1/12/23
SSD9007	D	Indicative Security and Lighting Plan	1/12/23
SSD9011	D	Public Art Opportunities Location Diagram	1/12/23
SSD9013	D	Typical Breakout Common Room Privacy Screen Detail	1/12/23
Landscape drawings prepared by Wallman Partners Pty Ltd			
Drawing Number	Rev	Name of Plan	Date
CP_GL	D	Concept Plan: Ground Level Courtyard	20/11/23
CP_L5	D	Concept Plan: Level 5	11/12/23
LS_1	D	Landscape Sections: A-A, B-B Ground Floor Courtyard	20/11/23
LS_2	D	Landscape Section B-B: Planter Details	11/11/23
PP_GL	D	Planting Plan: Ground Level Courtyard	20/11/23
PP_L1	D	Planting Plan: Level 1	10/11/23
PP_L2	D	Planting Plan: Level 2	10/11/23
PP_L3	D	Planting Plan: Level 3	10/11/23
PP_L4	D	Planting Plan: Level 4	10/11/23
PP_L5	D	Planting Plan: Level 5	11/12/23
PS_1	D	Planting Schedule: Notes	11/12/23

- A2. To the extent of any inconsistency:
- The more recent document in **Condition A1(b)** prevails over an earlier document;
 - The conditions of consent prevail over a document listed in A1.

LIMITS ON CONSENT

- A3. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A4. This consent does not approve the following:
- the detailed fitout and operation of the non-residential tenancies
 - the installation of signage

COMPLIANCE

- A5. 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.
- A6. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, which may include but are not limited to:

- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- A7. The Applicant is responsible for ensuring that all agreements required to carry out the development are obtained from other authorities or other parties, as relevant.
- A8. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992 (Cth)*;
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

LEGAL NOTICES

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

INTERPRETATION

- A10. 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.

INFRASTRUCTURE CONTRIBUTIONS

CITY OF SYDNEY DEVELOPER CONTRIBUTIONS

- A11. Prior to the issue of the first Construction Certificate, pursuant to section 7.11 of the EP&A Act 1979 (as amended), the Applicant must submit to the satisfaction of the Certifier details confirming a monetary contribution pursuant to the provisions of the City of Sydney Development Contributions Plan 2015 has been paid to Council.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

REDFERN-WATERLOO AFFORDABLE HOUSING CONTRIBUTIONS

- A12. Prior to the issue of the first Construction Certificate, an affordable housing contribution of \$714,878 (based on a rate of \$108.03 m²/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.

LONG SERVICE LEVY

- A13. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

GENERAL OPERATIONAL CONDITIONS

PRESCRIBED CONDITIONS

A14. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.

CO-LIVING HOUSING

A15. From the day on which an Occupation Certificate is issued for the development:

- (a) the co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and
- (b) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and
- (c) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

A16. Development consent must not be granted for the subdivision of co-living housing into separate lots in accordance with section 70 of the State Environmental Planning Policy (Housing) 2021.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN EXCELLENCE AND INTEGRITY

- B1. To ensure that the development is consistent with assessed and approved design excellence requirements, the Applicant must:
- commission Mark Shapiro Architects (or another architectural design team approved by the Planning Secretary in writing) as the architectural design team to be involved in the preparation of design documentation, contract documentation and construction stages of the development;
 - prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned;
 - the architectural design team is not to be changed without prior written notice and approval of the Planning Secretary;
 - to ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant must notify the Planning Secretary of any proposed modifications to the approved architectural drawings;
 - the Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the State Design Review Panel or other appropriate person(s).

MATERIALS AND FINISHES

- B2. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:
- final specifications of colour, material and, where relevant, manufacturer;
 - specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
 - confirmation of the process and methods in arriving at the final choice for all materials and finishes, including evidence of consultation with the landowner of 9 Woodburn Street, Redfern with respect to the materials and finishes of the development's southern wall
 - detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

DESIGN MODIFICATIONS – PRIVACY TREATMENTS

- B3. Prior to the issue of the Construction Certificate, the Applicant must submit to the satisfaction of the Certifier, revised plans which demonstrate the following:
- Operable external privacy treatments for courtyard facing rooms which enable simultaneous user control of visual privacy and daylight/solar access; and
 - Operable external privacy treatments for lowest level rooms facing Cleveland / Eveleigh / Woodburn Streets.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- geotechnical details which confirm the suitability and stability of the site for the development;
 - design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work;
 - details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B5. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the 6-8 Woodburn Street, Redfern Sustainability Report, prepared by Waterman, dated 19/12/2023.
- B6. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will achieve the equivalent of a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia).

MAXIMUM BUILDING HEIGHT

- B7. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report confirming the maximum height of the building does not exceed RL 42.050 m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

GROSS FLOOR AREA CERTIFICATION

- B8. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report confirming the gross floor area of the development does not exceed 6,617.4 m².

STRUCTURAL DETAILS

- B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report that demonstrates compliance of the structural drawings with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS;
 - (b) in accordance with Council's stormwater requirements and specifications;
 - (c) in accordance with applicable Australian Standards; and
 - (d) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2019 or whichever edition is in force at the time) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

SYDNEY WATER ASSETS

- B11. 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>

PUBLIC DOMAIN CONCEPT PLAN

- B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to and have approved by the Council's Public Domain Unit a public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code.

Public domain upgrade works surrounding the site must be consistent with Council's separate approved public domain concept plan and is to include, but not be limited to, a contraflow cycleway, Continuous Footpath Treatments (CFT), and kerb realignment on Eveleigh Street.

PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

- B13. Prior to the issue of the Construction Certificate for above ground works, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the Council's Public Domain Unit. 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 Council's website at <https://www.cityofsydney.nsw.gov.au/development/publicdomain-works/da-associated-works>.

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.

EXTERNAL WALLS AND CLADDING

- B14. Prior to the issue of the Construction Certificate for above ground works, the Applicant must:
- (a) submit to the Certifier a Report confirming that products and systems proposed for use in the construction of external walls of all buildings, including treatments, materials, finishes and claddings such as synthetic or aluminium composite panels:
 - (i) comply with the requirements of the NCC; and
 - (ii) will not cause adverse or excessive glare; and
 - (b) provide a copy of the above documentation to the Planning Secretary.

LANDSCAPING

- B15. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) Has been prepared in consultation with Council;
 - (b) is generally consistent with the landscaping plans referenced in **Condition A1**;
 - (c) includes details of tree planting, including pot sizes;
 - (d) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (e) demonstrates adequate drainage and watering systems for the planters;
 - (f) includes details of plant maintenance and watering for the first 12 months; and
 - (g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B16. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic and parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) provision of infrastructure for electric vehicles (EV) in accordance with the NCC and Drawing Number SSD2001, Rev D, of the Architectural Drawings;
 - (e) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (f) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority; and
 - (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.

BICYCLE PARKING AND FACILITIES

- B17. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating compliance with the following:
- (a) compliance with applicable Australian Standards for the layout, design and security of bicycle facilities;
 - (b) a minimum of 200 co-living on-site bicycle parking spaces;
 - (c) a minimum of 20 visitor on-site bicycle parking spaces;
 - (d) a minimum of 15 non-residential on-site bicycle parking spaces;
 - (e) a minimum of six personal lockers; and
 - (f) a minimum of one shower.

WASTE MANAGEMENT

- B18. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report prepared by a suitability qualified professional demonstrating that adequate provisions will be made within the premises for the storage, collection and disposal of waste and recyclable materials.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B19. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B20. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Mecone, dated August 2023.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B21. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from an acoustic engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Acoustic Logic, dated 31 July 2023.

BASIX CERTIFICATION

- B22. Prior to the issue of the first Construction Certificate, BASIX Nos. 1326239M_04 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ADAPTABLE UNITS

- B23. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a Report from a suitably qualified consultant that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

PUBLIC ART STRATEGY

- B24. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy prepared in consultation with local Indigenous artists and in consultation with Council.
- B25. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken, and is to be implemented in accordance with the EIS, across the site.
- B26. 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.
- B27. 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.

AGENCY CONDITIONS

SYDNEY TRAINS

- B28. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
- (a) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor (land, tracks, and assets). All measurements are to be verified by a Registered Surveyor.
 - (d) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor.
 - (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (f) If required by Sydney Trains, a Monitoring Plan. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B29. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment

are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- B30. Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- B31. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B32. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- B33. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B34. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- B35. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- B36. The Applicant/Developer shall not at any stage block the corridor access gate on Woodburn Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- B37. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B38. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- B39. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to the Principal Certifying Authority and Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- B40. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement, the Principal Certifying Authority is 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 dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- B41. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains 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 Trains;
 - (b) acts as the authorised representative of the Applicant; and

- (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- B42. 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 Trains 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 Trains in relation to the works.
- B43. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) which must address and include (but not be limited to) the following matters:
- (a) Details of:
 - (i) hours of work to be undertaken;
 - (ii) 24 hour contact details of the site manager;
 - (iii) community consultation, including appropriate and detailed consultation with the landowners of 9-11 Woodburn Street, Redfern and complaint handling procedures;
 - (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; and
 - (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 in accordance with **Condition C23**;
 - (h) an Unexpected Finds Protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **Condition D34**; and
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

- C2. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW, which must address and include (but not limited to) the following matters:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s) and crane movement plan;
 - (d) haulage routes;
 - (e) construction hours;
 - (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - (g) construction vehicle access arrangements;
 - (h) construction program and construction methodology, including any construction staging;
 - (i) a detailed plan of any proposed hoarding and/or scaffolding;
 - (j) measures to avoid construction worker vehicle movements within the precinct, including that construction workers do not park on public roads and only park in a designated off-street area of use public transport to access the site, in accordance with the EIS;
 - (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;

- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
- (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any earthworks or construction, the Applicant must prepare and submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development, which must address and include (but not limited to) the following matters:
- (a) identification of the specific activities that will be carried out and associated noise sources at the site;
 - (b) identification of all potentially affected sensitive residential receiver locations;
 - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
 - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
 - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
 - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community (including the adjoining landowners of 9-11 Woodburn Street, Redfern and other adjoining landowners and businesses directly impacted by the development);
 - (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
 - (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
 - (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
 - (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - (m) measures to monitor noise performance and respond to complaints;
 - (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
 - (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
 - (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the development which must address and include (but not limited to) the following matters:
- (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.
- C5. 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.
- C6. 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

- C7. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development, which must address and include (but not limited to) the following matters:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;
 - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C8. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP), which must address and include (but not limited to) the following matters:
- (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; and
 - (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.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

COMMUNITY COMMUNICATION STRATEGY

- C9. Before construction commences, the Applicant must prepare a Community Communication Strategy (CCS) for approval by the Planning Secretary that identifies:
- (a) how the Applicant will publicise and distribute information about or relevant to the construction and operation of the development, including an appropriate consultation schedule that aligns with project construction milestones. Adjoining landowners, businesses and others directly impacted by the development are to be clearly identified in the CCS;
 - (b) how the Applicant will facilitate communication between the Applicant, the relevant Council and other relevant stakeholders (including adjoining landowners and businesses and others directly impacted by the development) about the construction and operation of the development; and

- (c) mechanisms for relevant stakeholders (including adjoining landowners, businesses and others directly impacted by the development) and the public to communicate with the Applicant in relation to the construction and operation of the development during its construction and for a minimum of 12 months following the completion of construction.

Note: Condition D2 requires the CCS to be implemented during construction and for a minimum of 12 months after completion of construction.

SURVEY CERTIFICATE

- C10. Prior to the commencement of works, 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.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C11. Prior to the commencement of any construction, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an experienced Professional Engineer, which details the structural condition of all adjoining buildings (including all buildings, structures and trees forming part of 9-11 Woodburn Street, Redfern), infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C12. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C14. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C15. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C16. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council;
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

CONSTRUCTION PARKING

- C17. Prior to the commencement of any earthwork or construction, the Applicant must submit to the Certifier evidence that sufficient parking has been provided for heavy vehicles and for site personnel (where required) on-site or within an approved work zone, to ensure that construction traffic associated with the development does not utilise on-street parking within public roads surrounding the site or public parking facilities, in accordance with the EIS.

VEHICLE CLEANSING

- C18. 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.

OUTDOOR LIGHTING

- C19. Prior to commencement of any lighting installation, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2020 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2023 Control of the obtrusive effects of outdoor lighting (or whichever edition is in force).

PUBLIC LIABILITY INSURANCE

- C20. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to 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.

TEMPORARY DEWATERING DURING CONSTRUCTION

- C21. Prior to discharging any water collected during excavation and construction into the Council's stormwater drainage system, approval must be sought from the Council's Public Domain Unit. A dewatering management plan must be submitted with an Application for Temporary Dewatering available to download on Council's website. Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

REMEDIATION

REMEDIATION – REMEDIAL ACTION PLAN

- C22. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the Detailed Site Investigation & Remediation Action Plan Review report, prepared by eiaustralia, dated 1 March 2021, and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

REMEDIATION – UNEXPECTED FINDS PROTOCOL

- C23. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIATION – SITE AUDITOR

- C24. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- C25. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

REMEDIATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C26. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

REMEDIATION – VALIDATION REPORT

- C27. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C28. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C29. If the construction or operation of the development is to be staged, the Applicant must notify the Department 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.

PROVISION OF INFORMATION TO THE PUBLIC

- C30. At least 48 hours before the commencement of physical works, 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 A1** 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; and
 - (x) any other matter required by the Planning Secretary.
- (b) keep such information up to date, to the satisfaction of the Planning Secretary; and
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

UTILITIES AND SERVICES

- C31. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

DIAL BEFORE YOU DIG SERVICE

- C32. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- C33. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

COMMUNITY COMMUNICATION STRATEGY

- D2. The CCS, as approved by the Planning Secretary, must be implemented during construction and for a minimum of 12 months following the completion of construction.

SITE NOTICE

- D3. The Applicant must erect site notices in prominent positions on the Site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the Builder, Certifier and Structural Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- D4. The site notices must:
- (a) be located in prominent positions at the Site informing the public of project details including;
 - (b) have minimum dimensions of 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) be durable and weatherproof and is to be displayed throughout the works period;
 - (d) be mounted at eye level on the perimeter hoardings/fencing.

SAFEWORK REQUIREMENTS

- D5. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

HOURS OF CONSTRUCTION

- D6. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7:30am and 5:30pm, Mondays to Fridays inclusive; and
 - (b) between 7:30am and 3:30pm, Saturdays.
- D7. No work may be carried out on Sundays or public holidays.
- D8. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery or removal of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D9. Notification of activities undertaken in the circumstances in **Condition D8** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D10. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D11. The Applicant must implement and comply with the requirements of the following plans as required by Part B of this consent:
- (a) Construction Environmental Management Plan,
 - (b) Construction Pedestrian Traffic Management Plan,
 - (c) Construction Noise and Vibration Management Sub-Plan,
 - (d) Air Quality Management Plan; and
 - (e) Construction Waste Management Plan

CONSTRUCTION NOISE LIMITS

- D12. The Applicant must identify any activities that could exceed the construction noise management levels and manage them in accordance with the management and mitigation measures identified in the approved CNVMP.
- D13. Despite anything in the CNVMP, the Applicant must implement all feasible and reasonable noise mitigation measures to ensure that construction is carried out in compliance with the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) and so as not to exceed approved noise limits for the site.
- D14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D16. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

VIBRATION CRITERIA

- D17. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibrations in buildings - Part 3: Effects on structures, English Translation (German Institute for Standardisation, 2016); and
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D18. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D21. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

TREE PROTECTION

- D22. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the CEMP required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes installing and maintaining tree protection for existing mature trees located on 9 Woodland Street, Redfern, maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have

been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

- D24. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D25. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D26. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D27. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D28. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- D29. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONSTRUCTION TRAFFIC

- D30. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

NO OBSTRUCTION OF PUBLIC WAY

- D31. The public way must not be obstructed by any materials, vehicles, refuse skips or the like.

CONTACT TELEPHONE NUMBER

- D32. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

- D33. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D34. If a Relic or Aboriginal object is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D35. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D36. The Applicant must notify the Department and any other relevant agencies within 24 hours of becoming aware of an incident. The notification must be made via the Department's Major Projects website and address details of the incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.
- D37. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 1.

NON-COMPLIANCE NOTIFICATION

- D38. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the Department's Major Projects Website. The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the non-compliance.

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

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

GENREAL REQUIREMENTS

OCCUPATION CERTIFICATE

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation of the development.
- E3. If the occupation or use of the development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- E4. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E5. Before the issue of any Occupation Certificate, the Applicant must prepare and submit a Report (Post-Construction Dilapidation Report) to the Certifier, with the following information:
- (a) whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been any structural damage to any adjoining buildings, infrastructure or roads, that the structural damage is the result of the carrying out of the development approved under this development consent; and
 - (c) that relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and the relevant adjoining property owner(s).

ROAD DAMAGE

- E7. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
 - (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E9. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and
 - (b) any compliance certificates and any other evidence confirming that all stormwater drainage systems and storage systems.
- E10. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

E11. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

E12. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

E13. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B21** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

LANDSCAPE PRACTICAL COMPLETION REPORT

E14. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which verifies that:

- (a) all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application; and
- (b) an effective maintenance program under the Landscape Plan required under **Condition B15** has been commenced.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

E15. Prior to any Occupation Certificate being issued, the Applicant must prepare and submit to the Certifier a Report demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.

E16. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

PUBLIC ART STRATEGY IMPLEMENTATION

E17. Prior to any Occupation Certificate being issued, the Applicant must prepare and submit to the Certifier a Report demonstrating all elements of the detailed Public Art Strategy have been implemented, including ongoing maintenance and associated budgeting arrangements required under **Conditions B24 & B25**.

FIRE SAFETY CERTIFICATION

E18. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development.

E19. The Applicant must submit a copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier, and Fire Safety Certificate must be prominently displayed in the building.

OUTDOOR LIGHTING

E20. Prior to the occupation or commencement of use, the Applicant must prepare and submit to the Certifier a Report demonstrating that installed lighting associated with the development:

- (a) achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers;
- (b) complies with the latest version of AS 4282-20203 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023 or whichever edition is in force); and
- (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

E21. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

E22. Before the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

E23. Before the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

E24. Prior to the occupation or commencement of use, the Applicant must submit to Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:

- (a) the provision of a minimum 235 bicycle parking spaces in accordance with **Condition B17**;
- (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) the provision of end-of-trip facilities, which include at least one shower, a changing area and six lockers;
- (d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (e) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

E25. Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the Site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

E26. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

E27. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):

- (a) details of the managing agent
- (b) management of communal areas and open spaces, including the through-site link
- (c) management of the multi-purpose space, with priority to be given for local community uses, including First Nations groups and service providers
- (d) management of the co-living units, with four (4) units dedicated for priority occupation by First Nations students and/or community members. Management details must also include (but is not limited to), the following
 - (i) if there is no identified demand for First Nations students and/or community members to tenant the co-living units, they may be let to other tenants;
 - (ii) if any of the four (4) co-living units are not occupied by First Nations students and/or community members, prior to leasing any other co-living units in the development, the co-living manager or managing agent must firstly engage with local First Nations organisations and tertiary educational institutions (including nearby universities, colleges and Eora TAFE Darlington) to identify potential tenants and prioritise occupation of up to four (4) units by First Nations students and/or community members.
- (e) loading and unloading
- (f) security and staff management
- (g) emergency management/ evacuation and incident response protocols
- (h) waste management
- (i) tenant induction and behaviour/ house rules
- (j) community consultation and complaint procedures

E28. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT PLAN

E29. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier, which must:

- (a) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (b) confirm the location of waste collection and establish appropriate routes to the collection point;
- (c) provide confirmation of the engagement of a qualified private waste collection contractor;

- (d) detail the type and quantity of waste to be generated during operation of the development;
- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA);
- (f) detail the materials to be reused or recycled, either on or off site; and
- (g) include the management and mitigation measures included in the EIS.

Note: *Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the development.*

STORMWATER

- E30. Prior to the issue of any Occupation Certificate, the Applicant must submit a copy of the stormwater drainage design plans, prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate, to the Certifier.
- E31. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operation and Maintenance Plan (SOMP) that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to :
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

Note: *Condition F1 requires the Applicant to implement the SOMP for the life of the development.*

- E32. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating that:
- (a) the Owner has entered into a Deed of Agreement (Stormwater Deed) with Council and obtain registration of Title of a Positive Covenant for all proposed connections to Council's underground drainage system. The deed and positive covenant will contain terms reasonably required by Council and will be drafted by the Council's Legal Services Unit at the cost of the applicant, in accordance with Council's Fees and Charges.
 - (b) 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 Council and will be drafted by the Council's solicitor at the cost of the Applicant, in accordance with Council's Fees and Charges.

TRANSPORT ACCESS GUIDE

- E33. Prior to the issues of any Occupation Certificate, the Applicant must prepare a Transport Access Guide that:
- (a) specifies, but not limited to, the following:
 - (i) information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;
 - (ii) suitable nearby drop-off/pick-up locations;
 - (iii) areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
 - (iv) suitable nearby Taxi Zones.
 - (b) is prepared in consultation with TfNSW.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E34. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Car Parking, Loading and Servicing Management Plan that:
- (a) specifies, but not be limited to, details of:
 - (i) 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;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.
 - (b) is prepared in consultation with, and endorsed, by TfNSW.
- E35. Following the issue of an Occupation Certificate, the Applicant must implement the Car Parking, Loading and Servicing Management Plan for the life of the development.

GREEN TRAVEL PLAN

- E36. Prior to the issue of any Occupation Certificate, the Applicant must:
- (a) update the Green Travel Plan in consultation with TfNSW, to include:
 - (i) a mechanism to monitor the effectiveness of the measures of the Plan; and
 - (ii) an implementation strategy for the Green Travel Plan that commits to specific management actions and operational procedures, and timeframes for implementation.
 - (b) submit a copy of the updated Green Travel Plan to sco@transport.nsw.gov.au for the endorsement of TfNSW; and
 - (c) provide a copy of the approved Green Travel Plan to the Planning Secretary.
- E37. Following the issue of the Occupation Certificate, the Applicant must:
- (a) review and update the Green Travel Plan annually in consultation with TfNSW; and
 - (b) implement the Green Travel Plan (as updated annually) for the life of the development.

MECHANICAL VENTILATION

- E38. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation system complies with:
- (a) any conditions of this consent;
 - (b) the NCC; and
 - (c) any applicable Australian Standards.
- E39. The mechanical ventilation system must be regularly monitored and maintained in good working order at all times. This is to ensure it complies with this development consent, its level of performance at time of commissioning and as required by **Condition B21**.

SYDNEY TRAINS

- E40. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent.

Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the development, the Applicant must:
- (a) implement the SOMP; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- F2. Following the issue of the Occupation Certificate or commencement of use, and throughout the life of the development, the Applicant must implement the Operational Waste Management Plan.
- F3. The Applicant must ensure that at all times during the life of the development:
- (a) waste must not be placed for collection in a public place (e.g. footpaths, roadways and reserves under any circumstances);
 - (b) adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.
- F4. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

LOADING/UNLOADING

- F5. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan approved under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F6. The service vehicle docks, car parking spaces and repo driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

USE AND MANAGEMENT OF PARKING SPACES

- F7. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

LANDSCAPING

- F8. Landscaping for the development must be carried out and maintained in accordance with the Landscape Plan required under this consent. **Error! Reference source not found.**
- F9. If any plant loss occurs, plants must be replaced with the same species.

FIRE SAFETY CERTIFICATION

- F10. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F11. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F12. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves an equivalent of a minimum 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

BASIX CERTIFICATION

- F13. The development must be implemented and all BASIX commitments thereafter maintained in accordance with the BASIX Certificate required under **Condition B22** and any updated certificate issued if amendments are made.

COMMUNITY COMMUNICATION STRATEGY

F14. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

GREEN TRAVEL PLAN

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

ADVISORY NOTES

OTHER APPROVALS AND PERMITS

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN2. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SAFework REQUIREMENTS

AN3. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department's Major Projects website.
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **Condition D36** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **seven** days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with **Condition D36**), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.
 - (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.