

Development consent

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

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Executive Director
Development Assessment Systems & Approvals
Planning and Infrastructure

Sydney

2014

SCHEDULE 1

Application No.:

SSD 6010

Applicant:

Lend Lease (The Haymarket) Pty Ltd

Consent Authority:

Minister for Planning and Infrastructure

Land:

The Haymarket, Residential Building (Student Accommodation)

(Lot 900 DP 1132344 and Part Lot 33 DP 870306)

Approved Development:

Development of The Haymarket, Residential Building (Student Accommodation) including:

- site preparation works including demolition of existing structures, regrading of the site and removal of vegetation and site remediation as required;
- construction of a 20 storey building to be used for student accommodation;
- various public domain improvements including construction of a new public square (Macarthur Place), upgrading of existing footpaths and provision of street trees, and provision of seating and bicycle parking facilities;
- re-alignment of Darling Drive and provision of pedestrian and bicycle paths; and
- business and building identification signage.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Agency	Planning and Infrastructure
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A3.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DHL	Darling Harbour Live Consortium
Director-General	Director-General of Planning and Infrastructure
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate)
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2013
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled Response to Submissions and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated January 2014
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services Division, Transport for NSW
Site	Land referred to in Schedule 1
TfNSW	Transport for NSW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Development Description

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1 and A3.
- A3 The Applicant shall carry out the project generally in accordance with the:
- State Significant Development Application SSD 6010;
 - Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated May 2013;
 - Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd dated January 2014;
 - The conditions of this consent; and
 - The following drawings, except for:
 - any modifications which are Exempt or Complying Development;
 - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by AJ+C Architectural Services			
Drawing No.	Revision	Name of Plan	Date
DA0001	10	Cover Sheet	01.04.14
DA1001	11	Site Plan	01.04.14
DA2100	11	Ground Floor and Level 1 Plan	01.04.14
DA2101	9	Typical Floor Plans (Level 2, 3, 11)	25.03.14
DA2102	7	Typical Floor Plan (Level 12) & Roof Plans	25.03.14
DA2701	7	Area Plans	16.12.13
DA3101	10	West and North Elevations	25.03.14
DA3102	10	East and South Elevations	25.03.14
DA3200	9	Sections	25.03.14
DA3201	9	Sections	25.03.14
DA3301	5	Signage	16.12.13
Landscape Drawings prepared by Hassell Limited			
Drawing No.	Revision	Name of Plan	Date
L001	I	Drawling List and Drawing Layout	25.03.14
L101	F	Tree Removal Plan	07.06.13
L201	I	Scope of Works Plan	27.01.14
L202	J	Macarthur Place Plan	25.03.14
L210	J	Paving Plan	25.03.14

L211	J	Planting Plan	25.03.14
L212	J	Urban Elements Plan	25.03.14
L301	G	Sectional Elevations	18.12.13
Civil Drawings prepared by Hyder Consulting Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
PD-CI-4001	05	Cover Sheet and Drawing List	25.03.14
PD-CI-4101	06	Site Preparation Plan	28.03.14
PD-CI-4150	04	Excavation Plan	28.03.14
PD-CI-4201	06	Sediment and Erosion Control Plan	28.03.14
PD-CI-4301	06	Civil Works and Stormwater Plan	28.03.14
PD-CI-4305	02	Stormwater Drainage Longitudinal Sections – Sheet 1	25.03.14
PD-CI-4401	05	Typical Cross Sections	25.03.14
PD-CI-4411	05	Road Longitudinal Sections	25.03.14
PD-CI-4501	06	Combined Services Plan	28.03.14
SKCPD083	10	Shared Path and Drop Off Bay Adjacent Student Accommodation SSDA3	03.04.14
SKCPD095	08	Hay Street Shared Zone Plan	03.04.14

Inconsistency between documents

- A4 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits on consent

- A5 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed conditions

- A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long service levy

- A7 A Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal notices

- A8 Any advice or notice to the consent authority shall be served on the Director-General.

Permissible Accommodation

- A9 The maximum number of permissible beds and student occupants provided within the student accommodation building is 635.

Strata Subdivision

- A10 No strata subdivision of the building will be permitted.

PART B REMEDIATION CONDITIONS

- B1 The Applicant shall remediate the site in accordance with the approved Remedial Action Plan (RAP) prepared by Coffey Environments and dated 13 January 2014. Amendments to the approved RAP required as a result of further investigations must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
- B2 Prior to the commencement of remediation works, the RAP must be endorsed by an accredited site auditor.
- B3 Upon completion of the remediation works on the Site, the Applicant shall procure a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA and SHFA prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Modifications

- C1 Prior to the issue of the relevant Construction Certificate, an amended design of the pedestrian / bicycle path, incorporating physical or visual measures and treatments to manage walking and cycling conflict is to be provided in further consultation with Transport for NSW.

Details following the resolution of the design are to be provided to the Director-General for information.

Compliance with the Building Code of Australia (BCA)

- C2 Details shall be provided to the satisfaction of the Certifying Authority, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

Reflectivity

- C3 Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

Outdoor Lighting

- C4 All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

Access for People with Disabilities

- C5 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

Erosion and Sediment Control

- C6 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for below ground works.

Pre-Construction Dilapidation Reports

- C7 The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction

Certificate for below ground works. A copy of the report is to be forwarded to the SHFA and each of the affected property owners.

In relation to the rail corridor, the dilapidation survey will be undertaken via a joint inspection with representatives from RailCorp and/or TfNSW. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to RailCorp/TfNSW will be required unless otherwise notified by RailCorp or TfNSW.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Director-General 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.

Bicycle Facilities

- C8 The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:
- a) all bicycle parking for occupants of residential buildings must be Class 2 bicycle facilities, and
 - b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Protection of TfNSW land, easements or infrastructure

- C9 Prior to the issue of the relevant Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall liaise with TfNSW to ascertain its reasonable requirements in relation to the protection of TfNSW land, easements or infrastructure. The Applicant is to submit to TfNSW all relevant documentation as requested prior to the issuing of the relevant Construction Certificate or commencement of works, as the case may be.
- C10 Prior to the issue of the relevant Construction Certificate, a Rail Safety Interface Agreement will be required for any works craning over or works occurring within the corridor. This shall include development and implementation of a Rail Safety Interface Agreement between the applicant, TfNSW and the Light Rail operator prior to these works commencing. Consultation with TfNSW and the Light Rail operator is required throughout the detailed design developments.

Structural Details

- C11 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- C12 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure

environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

Storage and Handling of Waste

- C13 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Recommendations of the Operational Waste Management Plan for Stage 2 SSDA 3 shall be met to the satisfaction of the Certifying Authority.

Sydney Water Notice of Requirements

- C14 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue the relevant Construction Certificate.

Installation of Dual Flush Toilets

- C15 All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the Certifying Authority, prior to the relevant Construction Certificate being issued for above ground works.

Installation of Water Efficient Taps

- C16 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate for services and finishes works.

Installation of Water Efficient Urinals

- C17 New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- C18 Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the relevant Construction Certificate being issued for above ground works.

Internal Lighting System

- C19 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to the relevant Construction Certificate being issued.

Safer by Design

- C20 To minimise the opportunity for crime and in accordance with ‘Crime Prevention Through Environmental Design’ principles, the measures provided in the EIS (prepared by JBA Urban Planning Consultants Pty Ltd as supported by the CPTED table prepared by Allen Jack + Cottier) are to be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Compliance Report

- C21 Prior to the issue of the relevant Construction Certificate, the applicant shall submit to the agency a report addressing compliance with all relevant conditions of this consent.

Footway Pavement Design

- C22 A footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to SHFA for consent prior to the issue of the relevant Construction Certificate for works above ground.

Paving Materials

- C23 The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Environmental Performance

- C24 The applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 4 Star Green Star rating. Evidence of the project's consistency with Green Star principles shall be provided to the Certifying Authority prior to the relevant Construction Certificate.

Street Tree Planting and Maintenance

- C25 A Landscape Plan indicating the location of the street trees must be submitted to and approved by SHFA prior to the issue of the relevant Construction Certificate.

Road Design and Car Parking Layout

- C26 Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new road within the subject site. All roads shall be designed in consultation with the relevant requirements of SHFA and the RMS (if applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- C27 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for above ground works:
- a) parking located in the layover along Darling Drive should be in accordance with AS 2890.5-2004 and AS2890.6 for accessible spaces; and
 - b) all works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority.

Traffic Signal Works

- C28 Prior to issue of the relevant Construction Certificate, the plans of the signalised pedestrian crossing along Darling Drive shall be prepared by a suitably qualified practitioner and submitted to RMS for consideration and approved prior to the commencement of these works.

The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal adjustments. The Works Authorisation Deed (WAD) will need to be executed prior to the commencement of these works.

RMS fees for administration, plan checking, works inspections and project management shall be paid by the applicant prior to commencement of works.

- C29 A pedestrian signalised crossing connecting the site to The Good's Line must be provided. The crossing is to be completed and operational prior to occupation of the student accommodation building or otherwise agreed by the Director-General should The Goods Line be delayed or is the rail line is pedestrianised at this location.

The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal adjustments. The Works Authorisation Deed (WAD) will need to be executed prior to the commencement of these works.

RMS fees for administration, plan checking, works inspections and project management shall be paid by the applicant prior to commencement of works.

Groundwater

- C30 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that all areas of the building below the standing groundwater level are tanked.
- C31 Prior to issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating how water discharged from the site to stormwater or surrounding waterways will be of sufficient quality to comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Disposal of seepage and stormwater

- C32 Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless it is consistent with the document Managing Urban Stormwater – Soils and Construction Volume 1 (2004) by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

RailCorp Approval

- C33 Prior to the issue of the relevant Construction Certificate for the building, written endorsement from RailCorp and TfNSW shall be provided for the following documentation:
- i) Final Geotechnical and Structural report/drawings
 - ii) Final Construction methodology with construction details pertaining to structural support during excavation or ground penetration.
 - iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
 - iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure. The Survey plan is to be endorsed by a Registered Surveyor.

The Principal Certifying Authority is not to issue the relevant Construction Certificate until received written confirmation from RailCorp and TfNSW that this condition has been complied with.

- C34 A revised acoustic assessment is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development

Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation. The revised acoustic assessment is to take into account any increase in light rail services in addition to the current services that have been recorded. Further, the acoustic report is to provide additional detail as to the mitigation measures needed to be installed should the wheel squeal issue at this location not be resolved.

- C35 Prior to the issue of the relevant 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 the relevant Construction Certificate.
- C36 Any electronic equipment installed in the Student Accommodation Building will need to consider the light rail environment and if affected by ELECTRO- MAGNETIC FIELDS (EMF) may require filters to be installed to the building's electrical circuit.
- C37 No balconies facing rail corridor are to be incorporated within the building design. Windows facing rail corridor are not to open beyond the depth of the window reveal and opening restrictors preventing >125mm opening are to be installed. The Principal Certifying Authority shall not issue the relevant Construction Certificate until it has confirmed that these measures have been indicated on the Construction Drawings and Specifications.
- C38 Prior to the issuing of the relevant Construction Certificate a risk assessment workshop with the all relevant stakeholders and the designers is to be held to identify the likelihood and risks of possible light rail vehicle derailment and to discuss the options and opportunities for mitigating the impact of a derailed vehicle. The key to this analysis will be an assessment of the consequences and likelihood of a derailment and the measures to be installed. The proposed measures to be installed are to be endorsed by the Asset Standards Authority (ASA) within TfNSW. Should the ASA not endorse the proposed measures then the building shall comply with Australian Standard AS 5100. The Principal Certifying Authority shall not issue the relevant Construction Certificate until it has confirmed that these measures have been endorsed in writing by the ASA and have been indicated on the Construction Drawings and Specifications.
- C39 The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of TfNSW. The Principal Certifying Authority shall not issue the relevant Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.
- C40 The method of erection of the fencing is to be to the satisfaction of TfNSW prior to the fencing work being undertaken. TfNSW may provide supervision, at the proponent's cost, for the erection of the new fencing.
- C41 Prior to the issue of the relevant Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp and TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact RailCorp and TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with TfNSW/RailCorp's written advice to the Applicant on the level of insurance required.

Interference with Rail Operation

C42 Prior to the issuing of the relevant Construction Certificate the Applicant shall enter into an Agreement(s) with TfNSW, the light rail operator, and if required, RailCorp as the land owner. The Agreement(s) shall include, but not limited to:

- The need for track possessions.
- Review of the machinery to be used during excavation/ground penetration/construction works.
- The need for track monitoring.
- Design and installation of lights, signs and reflective material.
- Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS).
- Endorsement of plans regarding proposed craneage and other aerial operations.
- Erection of scaffolding/hoarding.
- Light Rail Operator's rules and procedures.
- Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

The Principal Certifying Authority is not to issue the relevant Construction Certificate until written confirmation from TfNSW has been received confirming that this condition has been complied with.

PART D PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- D1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and Planning and Infrastructure prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Protection of RailCorp's land, easements or infrastructure

- D2 No construction works, the subject of this application, are to commence on the RailCorp land that is to be transferred to the Sydney Harbour Foreshore Authority (SHFA) until such time the land has been transferred to SHFA.
- D3 Prior to the commencement of works, the Applicant shall peg-out the common boundary (as shown in blue highlight on draft plan of subdivision dated 20/8/13 – Ref I443-DP1 prepared by Anthony Nicolaas Rood) with Rail/Corp's property and/or easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

Demolition

- D4 The demolition work shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall 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 shall be submitted to the satisfaction of the PCA prior to the commencement of any demolition.

Notice of Commencement of Works

- D5 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Site.

Construction Environmental Management Plan

- D6 Prior to the commencement of any works on the Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. The Plan shall address, but not be limited to, the following matters where relevant:
- a) hours of work;
 - b) 24 hour contact details of site manager;
 - c) traffic management, in consultation with the SHFA;
 - d) construction noise and vibration management, prepared by a suitably qualified person;
 - e) management of dust to protect the amenity of the neighbourhood;
 - f) erosion and sediment control;
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - i) flora and fauna management;
 - j) works in accordance with the Remedial Works Plan submitted with the EIS;
 - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
 - l) incorporation of all acoustic management and treatments.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the agency, SHFA and the Council, prior to commencement of work.

Construction Noise and Vibration

- D7 Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:
- a) Identification of each work area, site compound and access route (both private and public);
 - b) Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) Identification of all potentially affected sensitive receivers;
 - d) The construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
 - e) Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
 - f) Where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - g) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
 - h) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - i) Measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

Waste Management Plan during construction

- D8 Prior to the commencement of any works on the Site, a detailed Construction Waste Management Plan prepared by a suitably qualified person, in consultation with SHFA, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete; and
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

The Applicant shall submit a copy of the Plan to the agency, SHFA and the Council, prior to commencement of work.

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- D9 Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- D10 The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

Construction Traffic & Pedestrian Management Plan

- D11 Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Light Rail Operator, SHFA, the RMS, and the Transport Management Centre (TMC).

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the Site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to SHFA and TMC, prior to the commencement of work.

- D12 The Construction Traffic and Pedestrian Management Plan should include the cumulative construction impacts of all the projects listed below:
- Barangaroo, now to at least 2020;
 - CBD & South East Light Rail (CSELR), 2014/15 to 2020;
 - Central Park (former Carlton United Brewery), now to 2016;
 - Four Points by Sheraton, 2014 to 2015;
 - Harold Park redevelopment, now to 2017;
 - IMAX redevelopment, 2014 to 2016;
 - Sydney City Centre Bus Plan, 2014 to 2015;
 - Sydney Harbour Bridge Toll Plaza upgrade, now to 2015;
 - Wynyard Walk, now to 2015; and
 - Temporary Exhibition Centre, 2014 to 2016.

Note: Dates above are indicative and are subject to confirmation with project owners.

Acid Sulfate Soils

- D13 Prior to commencement of works, an Acid Sulfate Soil Assessment and Management Plan in accordance with Acid Sulfate Soils Manual (Stone et al. 1998), is to be submitted to the PCA. The Plan shall include laboratory testing of soil samples.

Community Consultation

- D14 A Community Consultation and Engagement Plan shall be prepared prior to commencement of works and shall include how notification of residents and complaints associated with other elements of the SICEEP project (i.e. the PPP Core Facilities) will be managed.

Utility Services

- D15 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the structure.
- D16 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
- D17 Prior to the commencement of works, the Applicant shall:
- a) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
 - b) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to effects of vibration, excavation, constructions works;
 - c) liaise with Ausgrid to determine the relocation of any existing infrastructure;
 - d) design the project taking into consideration the electric and magnetic fields (EMF) associated with Ausgrid's infrastructure; and
 - e) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure.

Associated Roadway Costs

- D18 All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with Austroads.

Excavation Works

- D19 The PCA and SHFA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

Structural Details

- D20 Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- i) the relevant clauses of the BCA,
 - ii) the development consent, and
 - iii) drawings and specifications comprising the Construction Certificate.

Heritage Interpretation Strategy

- D21 Prior to the commencement of construction, the Applicant shall update the Heritage Interpretation Strategy to include a history of the Aboriginal occupation of the project area and a reference to archaeological resources which have previously been and will be excavated from the project area.

Aboriginal Heritage

- D22 Archaeological subsurface testing and salvage of the SSDA3 Site must be undertaken prior to the commencement of the building works in accordance with the methodology outlined in the Aboriginal Archaeological Research Design and Management Plan, prepared by Jillian Comber, dated May 2013. The program of excavation and research must be undertaken in partnership with the Metropolitan Local Aboriginal Land Council.

PART E DURING CONSTRUCTION

Hours of work

- E1 All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 pm, Saturdays;
 - c) no work is to be undertaken on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i. it is required by a works authorisation deed executed with the RMS; or
 - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
 - iii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iv. variation is approved in advance in writing by the Director General.

Waste Disposal

- E2 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

Erosion and sediment control

- E3 All soil erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Acid Sulfate Soils

- E4 All works during construction shall comply with the Acid Sulfate Soils Management Plan. All water discharge is to comply with section 120 of the *Protection of Environment Operations Act 1997* as is appropriate.

Approved plans to be on-site

- E5 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the agency, SHFA or the PCA.

Site notice

- E6 A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- E7 The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) The notice is to be able to be read by the general public;
 - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

Utilities

- E8 During works within the development site, the Applicant shall ensure the work in the vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- E9 The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- E10 The relocation of any TfNSW services or infrastructure are to be at the Applicant's cost and to TfNSW requirements and standards.
- E11 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

Construction Noise Management

- E12 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- E13 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- E14 The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours and must include respite periods unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - a) 8.00 am to 12.00 pm, Monday to Friday;
 - b) 1 pm to 6.00 pm Monday to Friday; and
 - c) 8.00 am to 12.00 pm, Saturday; or
 - d) as required by a works authorisation deed executed with the RMS.
- E15 Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- E16 Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.
- E17 All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Vibration Criteria

- E18 Vibration caused by construction at any residence or structure outside the Site must be limited to:
 - a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).

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- c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in the CEMP.

Hoarding requirements

E19 The following hoarding requirements shall be complied with:

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

Skips and Bins

E20 No asbestos laden skips or bins are to be left in any public place without the consent of SHFA.

Covering of Loads

E21 All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

E22 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Hazardous and Industrial Waste

E23 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
- f) *Construction Work Involving Asbestos or Asbestos Cement 1983).*
- g) *The Occupational Health & Safety Regulation 2001.*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Loading and Unloading During Construction

E24 The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to SHFA at least 8 weeks prior to commencement of work on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

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- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by SHFA.
 - e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

Use of Mobile Cranes

E25 The following requirements apply:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from SHFA for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of SHFA will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of SHFA, will create significant traffic disruptions.
- b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.00am without the prior consent of SHFA.

Archaeology

E26 Where substantial intact archaeological relics of State or local significance are discovered during excavation, work must cease in the affected area and the Heritage Council, or its delegate, must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of excavation in the affected area.

E27 If intact archaeological relics or deposits are uncovered then an archaeological Excavation Director must be engaged to undertake archaeological monitoring of the excavation works associated with the project and an archaeological salvage program as necessary. A methodology and archaeological Research Design should be prepared to guide such investigations and should be provided for the approval of the NSW Heritage Council or its Delegate ahead of commencement of any archaeological monitoring program. The nominated Excavation Director must meet the NSW Heritage Council Criteria for Excavation Directors.

E28 After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council, SHFA, and the Planning & Infrastructure. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The final excavation report shall include the following:

- a) An executive summary of the archaeological programme;
- b) Due credit to the client paying for the excavation, on the title page;
- c) An accurate site location and site plan (with scale and north arrow);
- d) Historical research, references, and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;
- g) Detailed response to research questions (at minimum those stated in the Planning & Infrastructure approved Research Design);

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- h) Conclusions from the archaeological programme. This information must include an assessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site; and
 - i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

Road Occupancy Licence

E29 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre (TMC) for any activity likely to impact on the operational efficiency of the road network. The ROL allows the applicant to use a specified road space at approved times, provided certain conditions are met.

Applicant's must allow a minimum of 10 workings days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

Building Works Adjacent to Rail Corridor

E30 All piling and excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

E31 No rock anchors/bolts are to be installed into RailCorp's property or easements.

E32 No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

E33 During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Proponent.

E34 Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

E35 No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the proponent 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.

PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Road Damage

- F1 The cost of repairing any damage caused to SHFA or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Registration of Easements

- F2 Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Water Authority Compliance

- F3 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate in the case of buildings or works or issue of a subdivision certificate, in the case of subdivision.

Post-Construction Dilapidation Report

- F4 Prior to the issue of the final occupation certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) A copy of this report is to be forwarded to the SHFA and each of the affected property owners.
 - d) In relation to the rail corridor, the final dilapidation survey will be undertaken via a joint inspection with representatives from RailCorp and/or TfNSW. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to RailCorp/TfNSW will be required unless otherwise notified by RailCorp or TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from RailCorp and TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage

Occupation Certificate to be Submitted

- F5 An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the agency and SHFA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Mechanical Ventilation

- F6 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Waste and Recycling Management

- F7 Prior to the relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain SHFA's consent of the waste and recycling management facilities provided in the development and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that domestic waste collection is to occur within the site and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.
- F8 Prior to the issue of the relevant Occupation Certificate, a detailed Waste Management Plan for operation of the site shall be submitted to the PCA. The plan shall be developed in consultation with SHFA.

Fire Safety Certificate to be Submitted

- F9 A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to SHFA if it is not the Principal Certifying Authority.

Installation of Water Efficient Taps

- F10 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the consent of the Certifying Authority, prior to the relevant Occupation Certificate being issued.

Street Numbering - Major Development

- F11 Prior to the final Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

Operational and Security Plan of Management

- F12 The Operational and Security Plan of Management prepared by Urbanest and included within the EIS is to be updated to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations, including Security Management.

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

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

- Compliance with all other operational conditions of this consent.
- Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Additional visitors / guests will be permitted to stay in accordance with the operator's House Rules. Beds may not be replaced by double bunk beds.
- Hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted).
- Use of alcohol and/or drugs, curfews, noise management plan.
- Students should be issued with information on how to contact Police, Ambulance and Fire Department (in translated formats, if requested), personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command.
- Safety and security measures for residents, handling complaints.
- Provisions of communal areas and facilities, and access and facilities for people with disabilities.
- A copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.
- Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

The approved Plan of Management is thereafter to be complied with during the use of the premises.

Restrictions on Student Accommodation

- F13 Prior to occupation of the building, a copy of the Room Agreement template for the subject site between students and the operator is to be forwarded to SHFA and the Director-General for information.

Laundry facilities

- F14 Commercial washing machines and dryers are to be provided within the communal laundry and are to be installed and operational prior to the issue of a relevant Occupation Certificate.

Acoustic Compliance

- F15 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise and Vibration Report prepared by Renzo Tonin & Associated as submitted with the EIS.

Bedroom furnishings

- F16 Every bedroom within the development is to be appropriately furnished prior to the issue of a relevant Occupation Certificate.

Maintenance Plan

- F17 The proponent must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp

and TfNSW prior to the issuing of the final Occupation Certificate. The Principal Certifying Authority shall not issue the final Occupation Certificate until written confirmation has been received from RailCorp and TfNSW advising that the maintenance plan has been prepared to its satisfaction. The future building owner is to comply with the requirements of the endorsed maintenance plan.

PART G POST OCCUPATION

Loading and unloading

- G1 All loading and unloading of service vehicles in connection with the use of the premises shall be carried out within the layover provided along Darling Drive.

Use of Communal Terrace

- G2 Use of the terrace is restricted to residents and their guests of the development only. No amplified music shall be played on the outdoor terrace and staff shall manage noise levels in accordance with the recommendations of the Noise and Vibration Report prepared by Renzo Tonin and Associates.

Accommodation – Registration and Caretaker

- G3 Prior to the issuing of an Occupation Certificate, SHFA must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

Anti-Graffiti

- G4 Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

Waste Management

- G5 Waste Management shall be undertaken in accordance with the Waste Management Plan prepared by Waste Audit and Consultancy Services and submitted with the EIS.

Noise

- G6 The following is to be achieved:
- a) The use of the premise shall be controlled so that any emitted noise is at a level so as not to create and "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
 - b) Noise associated with the operation of any plant, machinery or other equipment on the Site, shall not exceed 5dB(A) (Leq) above the background noise level when measured at the boundary of the site.
 - c) Air conditioner/s must not:
 - i. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - 1. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - 2. before 7.00am and after 10.00pm on any other day; or
 - ii. emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Storage of hazardous or toxic material

- G7 Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public way to be unobstructed

- G8 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

External lighting

- G9 External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Annual Fire Safety Certification

- G10 The owner of the building shall certify to the Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Windows

- G11 All bedrooms (including those within apartments and individual studios) must have an operable window or panel to provide natural ventilation as required by the BCA.

Business and building identification signage

- G12 Business and building identification signage shall comply with the following:-
- a) The approved signage shall be appropriately maintained at all times.
 - b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent.
 - c) The signage shall not:-
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
 - ii) include any apparatus to provide any sound;
 - iii) carry a message(s) which is offensive;
 - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
 - v) contain interchangeable or movable parts;
 - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;
 - vii) must not impede the ability of the occupants to exit the building under emergency conditions.
 - d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other approvals and permits

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

Responsibility for other consents / agreements

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

Temporary structures

AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN6 This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8 This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act

may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos removal

AN9 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: *"Code of Practice for the Safe Removal of Asbestos"*.

Site contamination issues during construction

AN10 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the agency.

Below ground (sub-surface) works – non-aboriginal relics

AN11 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of aboriginal heritage

AN12 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.