

CONSOLIDATED INSTRUMENT

Development consent

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

As delegate of the Minister for Planning, 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.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

July 2019

SCHEDULE 1

Application No.:	SSD 6633 MOD 2
Applicant:	Lend Lease (The Haymarket) Pty Ltd
Consent Authority:	Minister for Planning
Land:	Darling Square (formerly referred to as 'The Haymarket'), South East Plot (Lot 1 DP827982)

*NSW Government
Department of Planning, Industry and Environment*

MODIFICATIONS KEY:

SSD 6633:	<i>approved by the ED 16 December 2016</i>
SSD 6633 MOD 1:	<i>approved by Director Key Site Assessments on 13 October 2017</i>
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CONSOLIDATED INSTRUMENT

Approved Development:

Development of the South East Plot for a mixed-use residential development, including:

- staged construction of 9 storey, 10 storey and 29 storey buildings, including a 6 storey podium, to be used for:
 - 30,411 m² residential floorspace;
 - 1,617m² retail floorspace at ground floor level;
 - 265 above ground car parking spaces; and
 - 391 residential apartments
- various public domain and landscaping improvements;
- vehicular access from Harbour Street; and
- remediation works.

Modification Key		
Name	Date	Details
SSD 6633	16 December 2016	Approved by Executive Director, Key Sites and Industry Assessments
SSD 6633 MOD 1	13 October 2017	Modifications to: <ul style="list-style-type: none"> • internal design of the podium levels, back-of-house facilities, apartment storage areas, stairs and ramps and minor changes to floor levels • the design of shopfronts on the ground floor level • add four automatic flood gates on the ground floor façade along Hay Street, two along the Boulevard and one on Harbour Street • divide one ground floor retail unit into two • delete a mezzanine retail level on level 1 • window openings to several apartments on the south and east elevations • replace aluminium window louvres (privacy screens) on the southern elevation of levels 6 to 29 to windows with privacy glass • reduce the total number of residential apartments by one to 390 by combining two apartments on levels 8 and 9 • increase the total number of above ground car spaces by four to 269 • reduce the residential floor space to 30,197m² • reduce the ground floor retail floor space to 1,411m² • vary the approved construction hours to allow work on Saturdays to commence at 7 am • the approved Waste Management Plan • the approved BASIX certificate
SSD 6633 MOD 2	18 July 2019	The modification applications seek approval to: <ul style="list-style-type: none"> • install seven wall mounted artworks on the northern façade of the South East Plot <ul style="list-style-type: none"> • artwork W2 is mounted to the façade at the eastern entrance to Little Hay Street. Located approximately 10 m (RL 14.00) above ground plane • artwork 13: Mounted to the ground floor façade, near the corner of Little Hay Street and Harbour Street. Located approximately 2.7 m above FFL

CONSOLIDATED INSTRUMENT

		<ul style="list-style-type: none">• artwork 14, 15, 16, 17, 18: Mounted behind the ground floor façade, within an existing recess in the façade• artwork C1: suspended 5m above Little Hay Street and anchored with catenary wiring to the facades of the North East Plot and the South East Plot• operate the artworks from 6am to 11pm daily.
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CONSOLIDATED INSTRUMENT

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
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
CPTED	Crime Prevention Through Environmental Design
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Department's approval, agreement, endorsement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016
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>
Heritage Division	Heritage Division of the Office of Environment & Heritage
Minister	Minister for Planning, 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 June 2016
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.
Residential use	The use of residential housing for owner occupied residential use or leasing subject to the Residential Tenancies Act.
RMS	Roads and Maritime Services Division, Transport for NSW
Secretary	Secretary of the Department of Planning and Environment

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4

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CONSOLIDATED INSTRUMENT

SHFA	Sydney Harbour Foreshore Authority
SICEEP	Sydney International Convention, Exhibition and Entertainment Precinct
Site	Land referred to in Schedule 1
SSDA9	Land referred to in Schedule 1
TfNSW	Transport for NSW
WELS	Water Efficiency and Labelling Scheme

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CONSOLIDATED INSTRUMENT

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 condition A3.

- A3 The Applicant shall carry out the project generally in accordance with the:

- State Significant Development Application SSD 6633;
- Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;
- Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016;
- The conditions of this consent;
- The Section 96(1A) modification application SSD 6633 Mod 1, prepared by JBA Urban Planning Consultants Pty Ltd, dated 4 July 2017; and
- The Section 4.55(1A) modification application SSD 6633 Mod 2, prepared by Ethos Urban, dated 28 February 2019, as amended on 23 May 2019; and
- The following drawings, as set out in the table below, except for:
 - any modifications which are Exempt or Complying Development;
 - otherwise provided by the conditions of this consent.

Architectural Drawings prepared by FJMT			
Drawing No.	Revision	Name of Plan	Date
FJMT-DA-R0002	09 <u>10</u>	Legend and Abbreviations	27/07/2016 <u>21/04/17</u>
FJMT-DA-R0003	07 <u>08</u>	General Key Plans	27/07/2016 <u>21/04/17</u>
FJMT-DA-R1001	09	Site Plan	17/11/2016
FJMT-DA-R1002	40 <u>11</u>	Plans L00 Podium Ground	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1003	08 <u>09</u>	Plans L01 Mezzanine	40/06/2016 <u>21/04/17</u>
FJMT-DA-R1004	44 <u>12</u>	Plans L02 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1005	42 <u>13</u>	Plans L03 Podium – Residential	47/11/2016 <u>21/04/17</u>
FJMT-DA-R1006	09 <u>10</u>	Plans L04 Podium – Residential	47/11/2016 <u>21/04/17</u>

CONSOLIDATED INSTRUMENT

FJMT-DA-R1007	09 10	Plans L05 Podium – Residential	17/11/2016 21/04/17
FJMT-DA-R1008	42 13	Plans L06 SE1 Setback, SE2 ComSp1 SE3 & Rf Gdns	17/11/2016 21/04/17
FJMT-DA-R1009	43 14	Plans L07 SE1 Low Rise, SE2 ComSp2 & SE3 Setback	10/06/2016 21/04/17
FJMT-DA-R1010	45 16	Plans L08 SE1 Low Rise, SE2 Pent 01 & SE3 Top	17/11/2016 21/04/17
FJMT-DA-R1011	44 15	Plans L09 Low Rise & SE2 Pent 02	17/11/2016 21/04/17
FJMT-DA-R1012	44 12	Plans L10 SE1 Low Rise & SE2 Plant	10/06/2016 21/04/17
FJMT-DA-R1013	40 11	Plans L11-L27 SE1 Tower Typical	10/06/2016 21/04/17
FJMT-DA-R1014	44 12	Plans L28-L29 SE1 Penthouse	17/11/2016 21/04/17
FJMT-DA-R1015	09	Plans SE1 Plant	17/11/2016
FJMT-DA-R1016	09	Plans Roof Plan	17/11/2016
FJMT-DA-R1017	07	Plans Adaptable SE1 L03-05.01	9/03/2016
FJMT-DA-R1018	07	Plans Adaptable SE1 L06.08 & L09	9/03/2016
FJMT-DA-R1019	07	Plans Adaptable SE3 L03-05.08	9/03/2016
FJMT-DA-R2001	44 13	Elevations South Elevation	17/11/2016 21/04/17
FJMT-DA-R2002	42 13	Elevations North Elevation	17/11/2016 21/04/17
FJMT-DA-R2003	44 12	Elevations East Elevation	17/11/2016 21/04/17
FJMT-DA-R2004	44 12	West Elevation	17/11/2016 21/04/17
FJMT-DA-R2005	09	Elevations SE1 East Elevation	10/06/2016
FJMT-DA-R2006	07	Elevations SE3 West Elevation	10/06/2016
FJMT-DA-R2007	08 09	Elevations SE2 South Elevation	10/06/2016 21/04/17
FJMT-DA-R2009	09	Elevations SE1 North Elevation	10/06/2016
FJMT-DA-R2501	40 11	Ground Plane Detailed Elevations	17/11/2016 21/04/17
FJMT-DA-R2502	03 05	Ground Plane Detailed Elevations	09/03/2016 21/04/17
FJMT-DA-R3001	06 07	Sections GA Sections 01	9/03/2016 21/04/17
FJMT-DA-R3002	06 07	Sections GA Sections 02	9/03/2016 21/04/17
FJMT-DA-R3003	06 07	Sections Podium Sections 01	9/03/2016 21/04/17
FJMT-DA-R3004	06 07	Sections Podium Sections 02	9/03/2016 21/04/17
FJMT-DA-R3005	07	Sections Public Interface Section 01	10/03/2016
FJMT-DA-R3006	06	Sections Public Interface Section 02	9/03/2016
Public Artwork Drawings - Brendan Van Hek			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>LHS-SEP-001</u>	<u>A</u>	<u>Precinct Plan</u>	<u>30/10/18</u>

CONSOLIDATED INSTRUMENT

<u>LHS-SEP-002</u>	<u>B</u>	<u>Catenary, General Arrangement – Little Hay Street</u>	<u>30/01/19</u>
<u>LHS-SEP-003</u>	<u>A</u>	<u>Catenary, SEP Elevation</u>	<u>30/01/19</u>
<u>LHS-SEP-004</u>	<u>C</u>	<u>Catenary, Little Hay Street Section</u>	<u>30/01/19</u>
<u>LHS-SEP-005</u>	<u>B</u>	<u>Ground Plane – General Arrangement - Little Hay Street</u>	<u>22/01/19</u>
<u>LHS-SEP-006</u>	<u>C</u>	<u>Ground Plane, SEP Elevation</u>	<u>13/05/19</u>
<u>LHS-SEP-007</u>	<u>A</u>	<u>Ground Plane, SEP Section</u>	<u>22/01/19</u>
<u>LHS-SEP-008</u>	<u>A</u>	<u>Ground Plane, Artwork 14-18 Construction Detail</u>	<u>22/01/19</u>
<u>LHS-SEP-009</u>	<u>A</u>	<u>Ground Plane, Artwork 13 Construction Detail 2</u>	<u>22/01/19</u>
<u>LHS-SEP-010</u>	<u>A</u>	<u>Character Suite</u>	<u>30/10/18</u>
Landscape Drawings prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
140767-SSDA9-02	C	General Arrangement Plan	July 2015
140767-SSDA9-03	C	Paving Plan	July 2015
140767-SSDA9-04	C	Planting Plan	July 2015
140767-SSDA9-05	C	Urban Elements Plan	July 2015
Civil Drawings prepared by Hyder			
Drawing No.	Revision	Name of Plan	Date
PD-CI-8005	06	General Notes Sheet 1	16/10/2015
PD-CI-8	04	General Notes Sheet 2	16/10/2015
PD-CI-8	08	General Arrangement Plan	16/10/2015
PD-CI-8	06	Survey and Existing Services Plan (Dbyd)	16/10/2015
PD-CI-8022	04	Survey and Existing Services Plan (Robert Bird Group)	16/10/2015
PD-CI-8101	07	Demolition and Site Clearance Plan	16/10/2015
PD-CI-8151	07	Bulk Earthworks Plan	16/10/2015
PD-CI-8201	08	Sediment and Erosion Control Plan	16/10/2015
PD-CI-8221	05	Sediment and Erosion Control Details	16/10/2015
PD-CI-8301	09	Civil Works and Stormwater Plan	16/10/2015
PD-CI-8321	08	Pavement Plan	16/10/2015
PD-CI-8381	06	Civil Works Details	16/10/2015
PD-CI-8516	07	Stormwater Drainage Pit Schedule	16/10/2015
PD-CI-8521	06	Stormwater Drainage Longitudinal Sections	16/10/2015

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CONSOLIDATED INSTRUMENT

PD-CI-8531	04	Stormwater Drainage Catchment Plan	16/10/2015
PD-CI-8532	03	Stormwater Drainage Existing Catchment Plan	16/10/2015
PD-CI-8541	05	Stormwater Drainage Details Sheet 1	16/10/2015
PD-CI-8542	04	Stormwater Drainage Details Sheet 2	16/10/2015
PD-CI-8543	04	Stormwater Drainage Details Sheet 3	16/10/2015
PD-CI-8581	09	Water Sensitive Urban Design Strategy Plan	16/10/2015
PD-CI-8586	06	Water Sensitive Urban Design Details	16/10/2015
PD-CI-8601	06	Control Line Setout Plan	16/10/2015
PD-CI-88902	10	Combined Services Plan (Robert Bird Group)	16/10/2015
PD-CI-8911	10	Combined Services Section	16/10/2015

Inconsistency between documents

- A3 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

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed conditions

- A5 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long service levy

- A6 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

- A7 Any advice or notice to the consent authority shall be served on the Department.

Future Development Applications

- A8 The following shall be subject of separate Development Application/s under Part 4 of the Act (except where exempt and complying development applies):
- stratum and strata subdivision; and
 - fit-out (other than residential use).

CONSOLIDATED INSTRUMENT

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 (ref: and ENAURHOD04498AA). 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*.

CONSOLIDATED INSTRUMENT

PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

C1 Work must not commence until a relevant Construction Certificate has been issued.

Harbour Street

C2 Prior to the issue of the relevant Construction Certificate, the Applicant shall consult with TfNSW, RMS, Council and the CBD Taskforce (Key Stakeholders) about design options for the Harbour Street, which shall include the potential for improvements to the public domain including street tree planting and paving.

Following consultation with the Key Stakeholders and resolution of the matter, the Applicant shall submit to the Department, and the Key Stakeholders, a copy of the final design of the Harbour Street.

Privacy between SE2 and NE2

C3 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the satisfaction of the PCA showing method(s) / treatment(s) to prevent overlooking in the following locations:

- a) from the apartments and community rooms located in the SE2 building on levels two to nine towards the bedrooms in the apartments on the south west corner of the neighbouring NE2 building within the North East Plot to the north; and
- b) from the apartments located in the SE3 building on levels two to six towards the bedrooms in the apartments on the south east corner of the neighbouring NE1 building within the North East Plot to the north.

The details shall be provided to the satisfaction of the PCA, with the application for the relevant Construction Certificate, which demonstrate the provision of the approved method(s) / treatments to prevent overlooking. Alternatively, amended plans for the North East Plot shall be provided to the satisfaction of the PCA which addresses the above-mentioned overlooking.

Blind windows

C4 The blind windows within the southern podium façade, fronting Hay Street, shall replicate the placement rhythm, height, widths and recess depths of the normal windows within the remainder of the façade.

Compliance with the Building Code of Australia (BCA)

C5 Details shall be provided to the satisfaction of the PCA, 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 BCA.

CONSOLIDATED INSTRUMENT

Reflectivity

- C6 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

- C7 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 PCA prior to the issue of the relevant Construction Certificate for above ground works.

Access for People with Disabilities

- C8 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The PCA 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.
- C9 In accordance with the BCA the proposed office / shop layout and design must comply with *Australian Standard 1428.1: General requirements for access - New building works*.

Adaptable Housing

- C10 Prior to issue of the relevant or that of above ground works Construction Certificate, the PCA is to ensure that the building has been designed to accommodate a total of 10 adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:
- a) the required number of apartments are able to be adapted for people with a disability in accordance with the BCA; and
 - b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

Erosion and Sediment Control

- C11 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

- C12 The Applicant is to engage a suitably qualified consultant 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 PCA prior to the issue of the relevant Construction Certificate for

CONSOLIDATED INSTRUMENT

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

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

Noise Mitigation Measures

- C13 Details of noise mitigation measures recommended in the Noise and Vibration Impact Assessment prepared by Wood + Grieve Engineers dated 2 March 2016 are to be detailed on the construction certificate drawings, including the installation of acoustic glazing to apartments at levels 2 to 5 of the podium that face the public square. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted to the PCA prior to the issue of the relevant construction certificate.

Car Parking

- C14 Car parking on site shall be provided as follows:
- a) ~~265~~ **269** residential car parking spaces;
 - b) 2 service vehicle bays; and
 - c) 2 loading bays.
- C15 The applicant must ensure that the car park entries/exits are designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Appendix D of *AS 2890.1-2004 Parking Facilities - Off-street car parking*.
- C16 The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be accordance with *AS 2890.1-2004 Parking Facilities - Off-street Car Parking* and *AS 2890.6 Parking Facilities - Off-street parking for people with disabilities* and *AS 2890.2-2002 Parking Facilities – Off-street commercial vehicle facilities* where applicable.
- C17 The car park entry/exit shall be designed in such manner as to ensure that the future queuing area and capacity requirements comply with *AS 2890.1-2004 Parking Facilities - Off-street Car Parking*.

Parking Design

- C18 The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standards *AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking*, *AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities* and *AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the PCA prior to a Construction Certificate being issued.

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CONSOLIDATED INSTRUMENT

Bicycle Facilities

- C19 Minimum bicycle parking on site shall be provided as follows:
- a) 1 residential storage cage per apartment within the podium or SE2 lobby;
 - b) 45 retail staff and residential visitor bicycle parking spaces within the podium;
 - c) 20 visitor bicycle parking spaces within the public domain on site.
- C20 The retail units shall be afforded access to the secure ground floor podium to ensure that employees have access to the secure bicycle parking spaces and end of trip facilities.
- C21 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 1 bicycle facilities. Notwithstanding Class 1, bicycle lockers may also be designed to allow for stand-up / hanging storage of bicycles;
 - 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.
- C22 The number of storage, change room and shower facilities for the retail use shall comply the details provided within the application. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for services and finishes works.
- C23 Appropriate way finding signage shall be displayed within the podium indicating the way to the bicycle facilities.

Protection of TfNSW land, easements or infrastructure

- C24 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.
- C25 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.

Interference with Light Rail Operation

- C26 Should the Applicant require vehicular access across the light rail, the Applicant shall enter into an agreement(s) with TfNSW and the light rail operator prior to the issuing of the relevant Construction Certificate. The agreement(s) shall include, but not be limited to:
- a) safety interface and traffic management requirements;
 - b) resourcing requirements;

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CONSOLIDATED INSTRUMENT

- c) TfNSW costs associated with review of plans and designs;
- d) details of disruption to Light Rail operations;
- e) TfNSW costs associated with disruption to Light Rail operations;
- f) endorsement of plans regarding proposed access across the rail corridor; and
- g) Light Rail operator's rules and procedures.

Structural Details

- C27 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

- C28 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA and shall comply with Australian Standards *AS1668.2 The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* and *AS3666 Air handling and water systems of buildings – Microbial control*, 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 PCA prior to the issue of the relevant Construction Certificate for above ground works.
- C29 The mechanical exhaust systems for the ground floor tenancies are to be designed to be capable of accommodating exhaust requirements in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies, except the tenancy to the south east corner of the development, are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level. The tenancy to the south east corner of the development shall not be used as a food premises which requires mechanical exhaust

Warm Water Systems and Cooling Systems

- C30 The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.

Storage and Handling of Waste

- C31 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 Waste Management & Green Star Report prepared by Waste Audit and Consultancy Services, dated February 2016 [and revised May 2017](#) shall be met to the satisfaction of the PCA.

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CONSOLIDATED INSTRUMENT

Sydney Water

C32 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.

C33 Prior to the issue of the relevant Construction Certificate, the Applicant shall consult with Sydney Water about any proposed new stormwater and flooding infrastructure or amendment(s) to existing stormwater infrastructure.

Following consultation with Sydney Water and finalisation of any amendments or designs, the Applicant shall submit to the Department, and Sydney Water, a copy of the final design of stormwater infrastructure.

Installation of Water Efficient Fixtures and Fittings (Non-Residential Uses)

C34 All toilets installed within the non-residential components of the development must be of water efficient dual-flush capacity with at least 4-star rating under the WELS. The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

C35 All taps and shower heads installed within the non-residential components of the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

C36 New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the WELS.

C37 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 PCA, prior to the issue of the relevant Construction Certificate.

Internal Lighting System

C38 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 outside peak periods. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

Safer by Design

C39 To minimise the opportunity for crime and in accordance with 'Crime Prevention Through Environmental Design' (CPTED) principles, the recommended mitigation measures within the CPTED Report prepared by Harris Crime Prevention Services, dated 12 February 2016

CONSOLIDATED INSTRUMENT

are to be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

Environmental Performance

- C40 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 minimum 4 star Green Star rating under Green Star Multi-Unit Residential v1. Evidence of the project's consistency with Green Star principles shall be provided to the PCA prior to the relevant Construction Certificate.
- C41 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 628683M_04 [06](#), and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the PCA with all commitments clearly shown on the relevant Construction Certificate plans.

Flooding, groundwater, drainage, seepage and water quality

- C42 Prior to the issue of the relevant Construction Certificate, details are to be submitted to the PCA for approval demonstrating that the development has been designed in accordance with the conclusions and mitigation measures of the Flooding Stormwater and Water Sensitive Urban Design Report prepared by Hyder Consulting, dated 15 February 2016.
- C43 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 appropriately waterproofed.
- C44 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*.
- C45 Appropriate soil and water management measures that are consistent with the guidelines of the 'Managing Urban Stormwater – Soils and Construction' publications (including Volume 1 – Blue Book and Volume 2A – Installation of Services) shall be implemented during construction.
- C46 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.
- C47 The requirements of the relevant Water Authority with regard to the detention of stormwater must be ascertained and complied with. Evidence of the approval of the relevant Water Authority to the detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- C48 Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of

CONSOLIDATED INSTRUMENT

a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

- C49 Drainage and service pit lids throughout the public domain shall be heel guard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the relevant Authority's asset standards and requirements.

Intercom for Visitors

- C50 Where a boom gate or barrier control is in place, the visitor bicycle spaces must be accessible to visitors by the location of an intercom at the car park entry wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

Access Driveways

- C51 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Paving Materials and Tactile Ground Surface Indicators and Handrails

- C52 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 Slip resistance classification of new pedestrian surface materials* (including amendments) 'Slip resistance classification of new pedestrian surface materials.
- C53 All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

CONSOLIDATED INSTRUMENT

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 the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

Demolition

- D2 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

- D3 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.

Traffic Works

- D4 Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

Construction Environmental Management Plan

- D5 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 CEMP 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 SHFA, Council, TfNSW and RMS;
 - d) construction noise and vibration management plan 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;

CONSOLIDATED INSTRUMENT

- 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 CEMP shall be certified by the Contractor's Traffic Manager and subject to road safety audits by the Contractor. 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

- D6 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 CNVMP 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

- D7 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 CWMP shall address, but not be limited to, the following matters:

CONSOLIDATED INSTRUMENT

- 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 CWMP to the agency, SHFA and the Council, prior to commencement of work.

- D8 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.

Construction Traffic & Pedestrian Management Plan

- D9 Prior to the commencement of any works on the Site, the applicant shall prepare a **Construction Pedestrian and Traffic Management Plan** (CPTMP) in consultation with the CBD Coordination Office, SHFA and the Sydney Light Rail Team within TfNSW. The CPTMP shall specify, but not be limited to, the following:
- a) locations of the proposed work zone and staging areas;
 - b) haulage routes;
 - c) construction vehicle access arrangements;
 - d) proposed construction hours;
 - e) estimated number of construction vehicle movements;
 - f) construction program;
 - g) consultation strategy for liaison with surrounding stakeholders;
 - h) potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - i) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for development within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
 - j) mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The Applicant shall submit a copy of the final CPTMP to the Coordinator General, CBD Coordinator Office and SHFA, prior to the commencement of work.

Acid Sulfate Soils

- D10 Prior to commencement of works (other than demolition), 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.

CONSOLIDATED INSTRUMENT

Community Consultation

- D11 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, North West Plot, South West Plot, North East and Darling Drive Plot) will be managed.

Utility Services

- D12 Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the construction of the structure. Costs for such works will be borne by the Applicant.
- D13 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.

Excavation Works

- D14 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

- D15 Prior to the commencement of building 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.

Stormwater and Drainage Management

- D16 The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

CONSOLIDATED INSTRUMENT

PART E DURING CONSTRUCTION

Road Occupancy Licence

- E1 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the operation efficiency of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met.

Applicants must allow a minimum of 10 working days for processing from date of receipt. Traffic Control Plans are to accompany each ROL application.

Hours of work

- E2 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 ~~8:00 am~~ 7:00 am and 5:00 pm, Saturdays;
 - c) no work is to be undertaken on Sundays and public holidays; or
 - 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 Department.

Waste Disposal

- E3 All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

Erosion and sediment control

- E4 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

- E5 All works during construction shall comply with the Acid Sulfate Soils Assessment and 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

- E6 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.

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CONSOLIDATED INSTRUMENT

Site notice

- E7 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.
- E8 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

- 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.

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CONSOLIDATED INSTRUMENT

- 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 *AS 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;
 - 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);
 - 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; and
 - 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; and
 - 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.

Stockpiles

- E22 All stockpiles of:
- a) soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets;

CONSOLIDATED INSTRUMENT

- b) soil or other materials likely to generate dust or odours shall be covered; and
- c) contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

Vehicle Cleansing

E23 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

E24 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*; and
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996*.

Loading and Unloading During Construction

E25 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.
- 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; and
- 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

E26 The following requirements apply:

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CONSOLIDATED INSTRUMENT

- 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; and
- 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

- E27 The Applicant must retain Dickson's Dam Wall and Mill buildings *in situ* and minimise all impacts from the project to these state significant archaeological items as much as possible. Where select impacts cannot be avoided at detailed design stage, detailed archaeological recording and removal prior to harm occurring may occur but only in accordance with the following archaeological conditions.
- E28 An archaeological consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of these consultants shall be submitted to the Director-General for approval prior to commencement of works. These persons shall satisfy the Heritage Council of NSW Excavation Director Criteria at a level suited to the significance of the archaeological relics to be harmed.
- E29 All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
- E30 All affected historical archaeological 'relics' and/or deposits of Local significance are to be subject to professional archaeological excavation and/or recording before construction works commence which will impact those 'relics'. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines. Those documents should be prepared for the approval of the Secretary, Department of Planning & Environment upon receipt of advice from the Heritage Division.
- E31 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, the City of Sydney and the Department. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations.
- E32 The information within the final excavation report shall be required to 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;

CONSOLIDATED INSTRUMENT

- 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 Department of Planning & Infrastructure approved Research Design);
- h) conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the

Sites within the South East Plot of the Darling Square redevelopment and other Comparative Site Types and recommendations for the future management of the site (if any are relevant); 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).

E33 The results of the archaeological fieldwork, the history of the site and other should be used to inform an Interpretation Plan to guide the future incorporation of the findings from the works in communicating the significance of the site to future visitors. The results of the archaeological investigations should be incorporated into the Interpretation Plan specific to this Precinct and contribute to the broader interpretation of the Darling Square site. The Interpretation Plan should be prepared in accordance with the Guidelines issued by the Heritage Council of NSW. The Interpretation Plan should be prepared for the approval of the Secretary upon receipt of advice from the Heritage Division.

E34 If any archaeological works are carried out on the site, a copy of the archaeological field work report is to be submitted to Council for retention in the City of Sydney archives.

Survey Marks and Infrastructure

E35 All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (reinstatement of Survey Box).

CONSOLIDATED INSTRUMENT

E36 Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a 'Plan of Survey Information' must be lodged at the Land and Property Management Authority.

Protection of Stone Kerbs

E37 The existing stone kerbs on the Harbour Street frontage of the site are to be retained and properly protected during excavation and construction works. Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers. Council's approval is required before any kerbs are removed or cut.

MODIFICATIONS KEY:

SSD 6633: approved by the ED 16 December 2016

SSD 6633 MOD 1: approved by Director Key Site Assessments on 13 October 2017

SSD 6633 MOD 2: approved by Director Key Site Assessments on 18 July 2019

CONSOLIDATED INSTRUMENT

PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate to be Submitted

- F1 An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department 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.

Harbour Street Design

- F2 Prior to the issue of the final Occupation Certificate (or at a later date approved by the Secretary), the Applicant is to provide to the PCA evidence that the Harbour Street design works, as set out in **condition C2**, are completed.

Privacy between SE2 and NE2

- F3 The works for preventing overlooking referred to in **condition C3** shall be completed prior to the issue of the residential Occupation Certificate for SE2.

CPTED

- F4 The CPTED mitigation works for the development listed within the CPTED Report prepared by Harris Crime Prevention Services, dated 12 February 2016 must be fulfilled prior to the issue of the relevant Occupation Certificate.

Green Travel Plan

- F5 To encourage travel modes other than private vehicle the Applicant shall prepare and implement a green travel plan and transport access guide for future residents, employees and visitors. Details are to be submitted to the PCA prior to the issue of the final Occupation Certificate.

Public Domain Works

- F6 All public domain works and landscaping shall be completed prior to the issue of the final Occupation Certificate of the last residential building of the development.

Flooding, Stormwater, Drainage and Water Sensitive Urban Design

- F7 The flooding, stormwater, drainage and Water Sensitive Urban Design works referred to in **conditions C42 to C49** shall be completed prior to the issue of the final Occupation Certificate of the last residential building of the development.

Loading Dock and Service Vehicle Management

- F8 Prior to the issue of the relevant Occupation Certificate, a **Loading Dock and Service Vehicle Management Plan** (LDSVMP) shall be submitted to the PCA to promote safe and efficient operation of the proposed loading dock and to minimise disruption to traffic. The LDSVMP shall also address the management of vehicles too large to service the

CONSOLIDATED INSTRUMENT

development within the loading dock area (i.e. vehicles larger than a standard Medium Rigid Vehicle).

Alcove Lighting

- F9 All alcoves created by recessed egress doorways at ground floor level shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to SHFA's satisfaction.

Environmental Performance

- F10 Prior to the issue of the final Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a minimum 4 star Multi-Unit Residential v1 design tool rating as established by the Green Building Council of Australia.
- F11 All commitments listed in the BASIX Certificate referred to in **condition C41** for the development must be fulfilled prior to the issue of any Occupation Certificate.

Damage to Public Authority Assets

- F12 The cost of repairing any damage caused to Council, 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 the final residential Occupation Certificate.

Registration of Easements

- F13 Prior to the issue of the final 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.

Vehicle Footway Crossing

- F14 All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of the final residential Occupation Certificate.
- F15 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

Water Authority Compliance

- F16 The Section 73 Certificate must be submitted to the PCA prior to issue of the relevant Occupation Certificate in the case of buildings or works or issue of a subdivision certificate, in the case of subdivision.

CONSOLIDATED INSTRUMENT

Post-Construction Dilapidation Report

F17 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; and
- c) a copy of this report is to be forwarded to the SHFA and each of the affected property owners.

Ventilation

F18 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 relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) the BCA;
- b) Australian Standard *AS1668 - The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control* and other relevant codes;
- c) the development consent and any relevant modifications; and
- d) any dispensation granted by the New South Wales Fire Brigade.

F19 The car park must be ventilated in accordance with the BCA and where necessary, Australian Standard *AS1668 - The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control*, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Waste and Recycling Management

F20 Prior to a relevant Occupation Certificate being issued or the use commencing, whichever is earlier, the Applicant 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, domestic and commercial waste rooms are separate, residential storage areas are provided for bulky items and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.

F21 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.

CONSOLIDATED INSTRUMENT

- F22 To prevent adverse visual clutter, the waste contractor shall retrieve the bins from the waste storage room and transfer them to the waste collection zone and return them to the waste storage room once they are collected. Best endeavours shall be used to ensure that bins are not left on the kerbside for more than a half an hour period.

Fire Safety Certificate to be Submitted

- F23 A Fire Safety Certificate must be submitted to the Principal PCA 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 PCA.

Installation of Water Efficient Taps

- F24 All taps and shower heads installed must be water efficient with at least a 4-star rating under the WELS, where available. The details are to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

Numbering

- F25 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.
- F26 Shops not having a direct street frontage, such as individual food businesses within a food court must have their shop number clearly displayed and visible at all times on the shop front.

Noise

- F27 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 Impact Assessment, prepared by Wood & Grieve Engineers, dated 2 March 2016, including the installation of acoustic glazing to apartments at levels 2 to 5 of the podium that face the public square.

Wind

- F28 Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Wind Report, prepared by Cermak Peterka Petersen, dated February 2016 and updated by letter dated 8 June 2016, including the installation of fencing, screens and shade structures at podium level and awnings at ground floor level fronting the boulevard.

CONSOLIDATED INSTRUMENT

PART G POST OCCUPATION

Loading and unloading

- G1 All loading and unloading operations associated with the site must be carried out:
- a) in accordance with the LDSVMP (**condition F8**); and
 - b) within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- G2 At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Use of Communal Terrace

- G3 Use of the podium roof terrace is restricted to residents and their guests of the development only and noise levels shall be managed in accordance with the recommendations of the Noise and Vibration Assessment prepared by Wood & Grieve, dated 23 October 2016.

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 & Green Star Report, prepared by Waste Audit and Consultancy Services and **condition C31**

Noise

- G6 The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- a) the $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the *NSW EPA Industrial Noise Policy*. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise;
 - b) project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the *NSW EPA Industrial Noise Policy* and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise; and
 - c) modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- G7 An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:

CONSOLIDATED INSTRUMENT

- a) where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226: 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead;
- b) the $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
- c) the relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA *Industrial Noise Policy* and Australian Standard *AS1055.1997 Acoustics – Description and measurement of environmental noise*;
- d) background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location; and
- e) modifying factors in Table 4.1 of the NSW EPA *Industrial Noise Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

Storage of hazardous or toxic material

G8 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.

No Encroachments or Obstructions

- G9 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.
- G10 No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.
- G11 No portion of the proposed structure shall encroach onto the adjoining properties.

Signs at Egress

- G12 Signs shall be provided and maintained within the site at the point(s) of vehicle egress:
- a) compelling drivers to stop before proceeding onto the public way; and
 - b) compelling drivers to "Give Way to Pedestrians" before crossing the footway; or
 - c) compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

External lighting

G13 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.

CONSOLIDATED INSTRUMENT

Annual Fire Safety Certification

- G14 The owner of the building shall certify to the Council and SHFA 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.

Car Parking Allocation

- G15 For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.
- G16 Stacked or tandem car parking spaces must be attached to the same dwelling unit or commercial/retail tenancy.

Public Artwork

- G17 The public artwork (approved under Mod 2) must not be illuminated from 11pm to 6am in accordance with the recommendation of the Lighting Impact Assessment, prepared by DJ Coalition, dated 9 November 2018.

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

CONSOLIDATED INSTRUMENT

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.

Council’s Policy on On-Street Parking Permit Scheme

- AN11 All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

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