

# Development consent

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

As delegate of the Minister for Planning, under delegation effective 16 February 2015, I approve the modification 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;
- 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  
**Department of Planning and Environment**

Sydney 1st April. 2016

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### SCHEDULE 1

<b>Application No.:</b>	SSD 7133
<b>Applicant:</b>	Urbanest Darling Harbour No.2 Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Darling Square (formerly referred to as 'The Haymarket'), Darling Drive Plot, Darling Harbour.  (Lot 900 DP 1132344, Lot 800 DP 1164281 and Lot 331 DP 1192146)
<b>Approved Development:</b>	Development of the W1 Building (student accommodation) including: <ul style="list-style-type: none"><li>• site preparation works and site remediation as required;</li><li>• construction of a 22 storey building to be used for student accommodation;</li><li>• public domain improvements including construction of a central courtyard, a public park and bicycle parking facilities; and</li><li>• signage.</li></ul>

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## 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
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 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 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, 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 - 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
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
Secretary	Secretary of the Department of Planning and Environment
Site	Land referred to in Schedule 1
SHFA	Sydney Harbour Foreshore Authority
SSDA12	The development application and the accompanying drawings plans and documentation described in Condition A3.
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:

- a) State significant development application SSD 7133;
- b) Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd dated October 2015;
- c) Response to Submissions Report prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016;
- d) the conditions of this consent; and
- e) the following drawings, except for:
  - i) any modifications which are Exempt or Complying Development;
  - ii) otherwise provided by the conditions of this consent.

<b>Architectural (or Design) Drawings prepared by AJ+C Architectural Services</b>			
<b>Drawing No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
DA1000	3	SITE PLAN	29.09.2015
DA2100	5	GROUND & FIRST FLOOR PLANS	09.02.2016
DA2101	3	TYPICAL FLOOR PLANS (LEVEL 2, 3, 4, 5, 6, 7, 8 & 9)	29.09.2015
DA2102	3	TYPICAL FLOOR PLANS (LEVEL 10,11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21)	29.09.2015
DA2103	4	LEVEL 22 & UPPER ROOF LEVELS	22.01.2016
DA2701	3	AREA PLANS	29.09.2015
DA3100	3	NORTH & EAST ELEVATIONS	22.01.2016
DA3101	3	WEST & SOUTH ELEVATIONS	22.01.2016
DA3200	2	SECTIONS	29.09.2015
DA3301	3	SIGNAGE	22.01.2016
DA3302	1	SIGNAGE 2	22.01.2016
DA5100	4	SOU LAYOUTS 1	22.01.2016
SK3106_01		BIN CIRCULATION PLAN	22.01.2016
<b>Landscape Drawings prepared by AJ+C Architectural Services</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
15027-SSDA12-02	B	SITE PLAN	JANUARY 2016
15027-SSDA12-03	B	LANDSCAPE PLAN – CENTRAL COURTYARD	JANUARY 2016
15027-SSDA12-04	B	SECTION 1 – NORTH/SOUTH	JANUARY 2016

15027-SSDA12-05	B	SECTION 2 – EAST / WEST	JANUARY 2016
15027-SSDA12-06	B	SECTION 3 – EAST / WEST DETAIL OF AMPHITHEATRE AND FENCE	JANUARY 2016
15027-SSDA12-09	B	LANDSCAPE PLAN – NORTH PARK	JANUARY 2016
15027-SSDA12-10	B	SECTION 3 – NORTH/SOUTH	JANUARY 2016
15027-SSDA12-11	B	SECTION 4 – EAST / WEST	JANUARY 2016
15027-SSDA12-13	B	SITE WIDE PLANTING STRATEGY	JANUARY 2016
<b>Civil Drawings prepared by Hyder Consulting Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
PD-CI-1005	04	GENERAL NOTES SHEET 1	11/09/15
PD-CI-1006	04	GENERAL NOTES SHEET 2	11/09/15
PD-CI-1011	04	GENERAL ARRANGEMENT PLAN	11/09/15
PD-CI-1151	03	BULK EARTHWORKS PLAN	11/09/15
PD-CI-1201	05	SEDIMENT AND EROSION CONTROL PLAN	11/09/15
PD-CI-1221	04	SEDIMENT AND EROSION CONTROL DETAILS	11/09/15
PD-CI-1301	04	CIVIL WORKS AND STORMWATER PLAN	11/09/15
PD-CI-1541	05	STORMWATER DRAINAGE CATCHMENT PLAN	11/09/15
PD-CI-1902	04	COMBINED SERVICES PLAN (ROBERT BIRD GROUP)	11/09/15

### **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 Secretary.

### **Permissible accommodation**

A9 The building shall only be used as student accommodation and its ancillary facilities.

A10 The maximum number of permissible beds and student occupants provided within the student accommodation building is 668.

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**Subdivision**

A11 No strata subdivision of the building will be permitted.

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## **PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **First Floor Balcony**

- B1 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted for the approval of the Secretary, showing:
- a) the deletion/removal of the first floor balcony; or
  - b) an alternative design that ensures that the 'V' colonnade is not adversely interrupted and remains the dominant architectural feature of the two storey street wall.

### **Wind**

- B2 Prior to the issue of the relevant Construction Certificate, the Wind Assessment shall be updated to provide additional method(s) / treatment(s) to reduce wind impacts to the central courtyard amphitheatre seating area so that it achieves a comfort rating of 'pedestrian sitting'. The updated Wind Assessment and amended plans showing the required treatments shall be submitted for the Secretary's approval.

### **Privacy the W1 and W2 Buildings**

- B3 Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted for the approval of the Secretary showing method(s) / treatment(s) to prevent direct overlooking between the south facing student rooms of the W1 Building and the north facing student rooms of the W2 Building, which face each other across the central courtyard.

### **Crime Prevention through Environmental Design (CPTED)**

- B4 Prior to the issue of the relevant Construction Certificate, a CPTED assessment shall be submitted for the Secretary's approval showing method(s) / treatment(s) to ensure that the central courtyard is a safe and secure space and the opportunity for crime has been minimised in accordance with CPTED principles.

The mitigation measures provided in the CPTED assessment shall be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate.

### **Compliance with the Building Code of Australia (BCA)**

- B5 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 Building Code of Australia (BCA).

### **Reflectivity**

- B6 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**

- B7 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**

- B8 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 PCA must ensure

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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**

- B9 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**

- B10 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 PCA 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 Sydney Trains 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 Sydney Trains/TfNSW will be required unless otherwise notified by Sydney Trains 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 Secretary 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**

- B11 Minimum bicycle parking on site shall be provided as follows:
- a) 90 internal student bicycle parking spaces; and
  - b) 20 visitor bicycle parking spaces within the public domain and North Park;
- B12 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**

- B13 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.

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B14 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**

B15 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**

B16 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 PCA prior to the issue of the relevant Construction Certificate for above ground works.

### **Storage and Handling of Waste**

B17 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 SSSA 12 shall be met to the satisfaction of the PCA.

### **Sydney Water Notice of Requirements**

B18 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 Efficient Taps, Toilets and Urinals**

B19 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 PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

B20 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 PCA, prior to the relevant Construction Certificate being issued for above ground works.

B21 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).

B22 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 relevant Construction Certificate being issued for above ground works.

### **Internal Lighting System**

B23 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

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sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

### **Paving Materials**

B24 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**

B25 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 PCA prior to the relevant Construction Certificate.

### **Groundwater and Disposal of Seepage and Stormwater**

B26 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.

B27 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*.

B28 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.

### **Sydney Trains Approval**

B29 Prior to the issue of the relevant Construction Certificate for the building, written endorsement from Sydney Trains and TfNSW shall be provided for the following documentation:

- a) Final Geotechnical and Structural report/drawings
- b) Final Construction methodology with construction details pertaining to structural support during excavation or ground penetration.
- c) 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.
- d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains' land and infrastructure. The Survey plan is to be endorsed by a Registered Surveyor.

The PCA is not to issue the relevant Construction Certificate until received written confirmation from Sydney Trains and TfNSW that this condition has been complied with.

B30 A revised acoustic assessment is to be submitted to the PCA 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

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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.

- B31 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 PCA with the application for the relevant Construction Certificate.
- B32 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.
- B33 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 PCA shall not issue the relevant Construction Certificate until it has confirmed that these measures have been indicated on the Construction Drawings and Specifications.
- B34 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 PCA 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.
- B35 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 PCA shall not issue the relevant Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.
- B36 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.
- B37 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 Sydney Trains 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 Sydney Trains and TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW/Sydney Trains' written advice to the Applicant on the level of insurance required.

### **Interference with Light Rail Operation**

- B38 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, Sydney Trains as the land owner. The Agreement(s) shall include, but not limited to:
- pre and post construction dilapidation reports;
  - the need for track possessions;
  - review of the machinery to be used during excavation/ground penetration / construction works;
  - the need for track monitoring;

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- 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; and
  - alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

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

### **Compliance Report**

B39 Prior to the issue of the relevant Construction Certificate, the applicant shall submit to the department a report addressing compliance with all relevant conditions of this consent.

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## PART C PRIOR TO COMMENCEMENT OF WORKS

### Certified Plans

- C1 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

### Demolition

- C2 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

- C3 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

- C4 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 department, SHFA and the Council, prior to commencement of work.

### Construction Noise and Vibration

- C5 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:

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- 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**

- C6 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 Department and SHFA, prior to commencement of work.

- C7 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.
- C8 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**

- C9 Prior to the commencement of any works on the Site, a Construction Pedestrian and Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be

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submitted to the PCA. The CPTMP shall take into account of other construction projects in the CBD including Sydney Light Rail project and the SICEEP project. The CPTMP shall be prepared in consultation with the CBD Coordination Office within TfNSW and City of Sydney. The final CPTMP needs to be endorsed by the CBD Coordination Office prior to the commencement of construction works.

### **Acid Sulfate Soils**

C10 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**

C11 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 Core Facilities and Darling Square) will be managed.

### **Utility Services**

C12 Prior to the commencement of work the applicant is to negotiate with utility authorities in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

### **Associated Roadway Costs**

C13 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**

C14 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**

C15 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:

- a) the relevant clauses of the BCA,
- b) the development consent, and
- c) drawings and specifications comprising the Construction Certificate.

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## PART D DURING CONSTRUCTION

### Hours of work

- D1 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 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 department.

### Waste Disposal

- D2 All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

### Erosion and sediment control

- D3 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

- D4 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

- D5 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 department, SHFA or the PCA.

### Site notice

- D6 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.
- D7 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.

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## Utilities

- D8 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.
- D9 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.
- D10 The relocation of any Sydney Trains services or infrastructure is to be at the Applicant's cost and to Sydney Trains requirements and standards.
- D11 All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW or RMS.

## Construction Noise Management

- D12 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.
- D13 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.
- D14 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:
- 8.00 am to 12.00 pm, Monday to Friday;
  - 1 pm to 6.00 pm Monday to Friday; and
  - 8.00 am to 12.00 pm, Saturday; or
  - as required by a works authorisation deed executed with the RMS.
- D15 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.
- D16 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.
- D17 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

- D18 Vibration caused by construction at any residence or structure outside the Site must be limited to:
- for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings*. Effects on Structures; and
  - 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).
  - vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
  - These limits apply unless otherwise outlined in the CEMP.

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## **Hoarding requirements**

D19 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**

D20 No asbestos laden skips or bins are to be left in any public place without the consent of SHFA.

## **Covering of Loads**

D21 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**

D22 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**

D23 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of 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 2005
- c) Waste Avoidance and Resource Recovery Act 2001
- d) Work Health and Safety Act 2011
- e) Work Health and Safety Regulation 2011.

## **Loading and Unloading During Construction**

D24 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.
- 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.

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## Use of Mobile Cranes

D25 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

D26 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.

D27 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.

D28 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 department. 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 approved Research Design);
- 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).

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## **Road Occupancy Licence**

D29 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre (TMC) for any lane / road closures on Darling Drive, or any works that may impact on traffic signals or traffic flow on the adjoining road network during construction activities.

## **Building Works Adjacent to Rail Corridor**

D30 All piling and excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

D31 No rock anchors/bolts are to be installed into Sydney Trains' property or easements.

D32 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.

D33 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.

D34 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 Sydney Trains.

D35 No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from Sydney Trains 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.

## **No Obstruction of Public Way**

D36 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

## **Notification of Excavation Works or Use of High Noise Emission Appliances/Plant**

D37 The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

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## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Landscaping

- E1 All landscaping in the approved plan is to be completed prior to the final Occupation Certificate being issued.

### Wind Impacts

- E2 All required wind mitigation works to the central courtyard are to be completed in accordance with the approved wind mitigation method(s) / treatment(s) (**condition B2**). Evidence shall be submitted to the PCA demonstrating compliance with **condition B2** prior to the issue of the final Occupation Certificate.

### Environmental Sustainable Development

- E3 Environmental Sustainable Development measures are to be completed/installed in accordance with **condition B25**. Evidence shall be submitted to the PCA demonstrating compliance with **condition B25** prior to the issue of the final Occupation Certificate.

### Crime Prevention

- E4 Any safety and security mitigation works to the central courtyard are to be completed in accordance with the approved mitigation method(s) / treatment(s) (**condition B4**). Evidence shall be submitted to the PCA demonstrating compliance with **condition B4** prior to the issue of the final Occupation Certificate.

### Road Damage

- E5 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 the final Occupation Certificate.

### Registration of Easements

- E6 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

- E7 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](http://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

- E8 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

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- 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 Sydney Trains 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 Sydney Trains/TfNSW will be required unless otherwise notified by Sydney Trains or TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from Sydney Trains and TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage

### **Occupation Certificate to be Submitted**

- E9 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.

### **Mechanical Ventilation**

- E10 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**

- E11 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.
- E12 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**

- E13 A Fire Safety Certificate must be submitted to the 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.

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## **Installation of Water Efficient Taps**

E14 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 are to be submitted for the consent of the PCA, prior to the relevant Occupation Certificate being issued.

## **Street Numbering - Major Development**

E15 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**

E16 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.

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## **Restrictions on Student Accommodation**

E17 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 Secretary for information.

## **Laundry facilities**

E18 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**

E19 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 (Revision 4), prepared by Acoustic Logic and dated 16/09/2015.

## **Bedroom furnishings**

E20 Every bedroom within the development is to be appropriately furnished prior to the issue of a relevant Occupation Certificate.

## **Maintenance Plan**

E21 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 Sydney Trains and TfNSW prior to the issuing of the final Occupation Certificate. The PCA shall not issue the final Occupation Certificate until written confirmation has been received from Sydney Trains 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.

## **Building Maintenance Unit**

E22 The rooftop Building Maintenance Unit (BMU) shall be installed and operational prior to the First Occupation of the building. When not in use the BMU will be stored on the roof so that it is not visible from Darling Drive, Macarthur Street, Systrum Street, Hay Street and Pier Street.

## **Submission of Electronic CAD Models**

E23 Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model.

The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at: <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model.

## **Advanced Tree Planting**

E24 Tree planting within the property must be undertaken in accordance with the following conditions;

- (a) All new trees shall be planted in accordance with the Landscape Plan prepared by 'Aspect' dated September 2015
- (b) All newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment

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- (c) All new trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
  - (d) The new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
  - (e) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

### **Resident Parking Permit Scheme**

E25 Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

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## PART F POST OCCUPATION

### Loading and unloading

- F2 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 the central courtyard

- F3 Use of the outdoor screen within the central courtyard is restricted to residents and their guests of the development only.
- F4 No amplified music shall be played in the central courtyard and staff shall manage noise levels in accordance with the recommendations of the Noise and Vibration Report (Revision 4), prepared by Acoustic Logic and dated 16 September 2015.
- F5 No more than 50 people shall be allowed within the central courtyard in association with the use of the outdoor screen at any one time.
- F6 The central courtyard shall only be used for active and passive recreation between:
- 9:00am and 10:00pm, Mondays to Thursdays (inclusive); and
  - 9:00am and 11:00 pm, Fridays to Sundays (inclusive).

Approval shall be sought from SHFA in the case of special events / circumstances that result in use outside the hours listed at a) and b) above.

### Accommodation – Registration and Caretaker

- F7 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

- F8 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

- F9 Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by Waste Audit and Consultancy Services and dated September 2015.

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.

### Noise

- F10 The following is to be achieved:
- 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.
  - Noise associated with the operation of any plant, machinery or other equipment on the Site and use of the central courtyard shall not exceed 5dB(A) (Leq) above the background noise level when measured at the boundary of the site.
  - Air conditioner/s must not:
    - 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**

F11 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.

### **External lighting**

F12 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**

F13 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**

F14 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**

- F15 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.

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## **Emissions**

F16 The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health. Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

## **Connection to Sewers**

F17 Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

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## 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

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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 department.

### **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.