

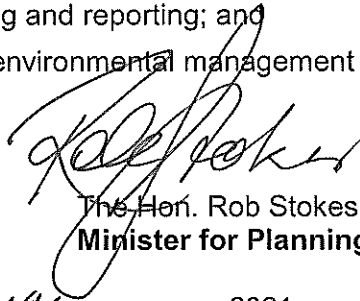
Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney

29th January

2021

SCHEDULE 1

Application Number:	SSD 7539
Applicant:	The University of Sydney
Consent Authority:	Minister for Planning and Public Spaces
Site:	85-87, 94-96, 98-119, and 121-135 Darlington Road, 18-20 Codrington Street and Darlington Lane Lot 1, DP 58304; Lots 1-4, DP 996663; Lot 1, DP 69635; Lot 96, DP 1073648; Lots 1-5, DP 996629; Lot 1, DP 996657; Lot 9, DP 1118985; Lots 1-12, DP 33326; Lot 1, DP 185534; Lot A, DP 185532; Lot 1, DP 1067807; Lots A and B, DP 436059; Lots 30-35, Section 34, DP 111120; Lot 1, DP 832273; Lot 11 DP 1172041; Lot 1, DP 794841 and Lot 1, DP 1069922.
Development:	Redevelopment of the Darlington Terraces, comprising: <ul style="list-style-type: none">• demolition of rear structures and rear additions and removal of trees.• site excavation and earthworks.• alterations to and refurbishment of existing terraces.• construction of four new buildings (two to four storeys).• use for student accommodation, academic accommodation and educational facilities.• landscaping works including site landscaping, upgrade of pocket park and landscaping in Darlington Lane.• upgrade of Darlington Lane.• associated infrastructure works.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of Sydney or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially</p>

	affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)
Council	The City of Sydney Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising site preparation, construction, and use, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance

Note: "material harm" is defined in this consent

Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LTEMP	Long Term Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in the EIS.
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, Amendment to the Proposal and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by AJ+C Architects			
Dwg No.	Rev	Name of Plan	Date
DA1000	5	SITE ANALYSIS PLAN	13/10/2020
DA1101	3	PART DEMOLITION PLAN - TERRACE NO.131-121 - L1	13/10/2020
DA1102	5	PART DEMOLITION PLAN - TERRACE NO.131-121 - L2	13/10/2020
DA1103	5	PART DEMOLITION PLAN - TERRACE NO.131-121 - ROOF	13/10/2020
DA1104	5	PART DEMOLITION PLAN - TERRACE NO.119-104 - L1	13/10/2020
DA1105	5	PART DEMOLITION PLAN - TERRACE NO.119-104 - L2	13/10/2020
DA1106	5	PART DEMOLITION PLAN - TERRACE NO.119-104 - ROOF	13/10/2020
DA1107	5	PART DEMOLITION PLAN - TERRACE NO.103-86 - L1	13/10/2020
DA1108	5	PART DEMOLITION PLAN - TERRACE NO.103-86 - L2	13/10/2020
DA1109	5	PART DEMOLITION PLAN - TERRACE NO.103-86 - ROOF	13/10/2020
DA2101	8	PLAN - BUILDING A - L1	13/10/2020
DA2102	8	PLAN - BUILDING A - L2 & TERRACE NO.131-121 - L1 & BICYCLE RACKS BLD. NO. 132	13/10/2020
DA2103	8	PLAN - BUILDING A - L3 & TERRACE NO.131-121 - L2	13/10/2020
DA2104	8	PLAN - BUILDING A - L4 PLAN & TERRACE NO.131-121 ROOF	13/10/2020
DA2105	8	PLAN - BUILDING A - ROOF	13/10/2020
DA2111	8	PLAN - BUILDING B - L1	13/10/2020
DA2112	8	PLAN - BUILDING B - L2 & TERRACE NO.119-104 - L1	13/10/2020
DA2113	8	PLAN - BUILDING B - L3 & TERRACE NO.119-104 - L2	13/10/2020
DA2114	8	PLAN - BUILDING B - L4 PLAN & TERRACE NO. 119-104 ROOF	13/10/2020
DA2115	8	PLAN - BUILDING B - ROOF	13/10/2020
DA2120	2	PLAN - BUILDING C & D - LEVEL -1 (LOWER GROUND)	13/10/2020
DA2121	8	PLAN - BUILDING C & D - L1 & TERRACE NO.103-86 - L1	13/10/2020
DA2122	8	PLAN - BUILDING C & D - L2 & TERRACE NO.103-86 - L2	13/10/2020
DA2123	8	PLAN - BUILDING C ROOF & D - L3 PLAN & TERRACE NO. 103-86 ROOF	13/10/2020
DA2124	8	PLAN - BUILDING D - ROOF PLAN	13/10/2020
DA3100	8	ELEVATIONS 1	13/10/2020
DA3101	2	ELEVATIONS 2	13/10/2020
DA3201	7	SECTION A,B,C & D	13/10/2020
DA3202	7	SECTION E & F	13/10/2020
DA5100	6	MATERIALS BOARD	13/10/2020

Landscape Drawings prepared by <i>Oculus</i>			
Dwg No.	Rev	Name of Plan	Date
L005	05	SITE PLAN	22/05/2020
L201	05	GENERAL ARRANGEMENT PLAN PRIVATE RESIDENCES	22/05/2020
L202	04	GENERAL ARRANGEMENT PLAN PRIVATE RESIDENCES	13/05/2020
L203	04	GENERAL ARRANGEMENT PLAN PRIVATE RESIDENCES	13/05/2020
L204	03	GENERAL ARRANGEMENT PLAN PRIVATE RESIDENCES	13/05/2020
L205	02	GENERAL ARRANGEMENT PLAN PUBLIC DOMAIN	31/10/2019
L206	02	GENERAL ARRANGEMENT PLAN PUBLIC DOMAIN	31/10/2019
L501	05	PLANTING PLAN PRIVATE RESIDENCES	22/05/2020
L502	04	PLANTING PLAN PRIVATE RESIDENCES	12/05/2020
L503	04	PLANTING PLAN PRIVATE RESIDENCES	12/05/2020
L504	03	PLANTING PLAN PRIVATE RESIDENCES	12/05/2020
L505	02	PLANTING PLAN PUBLIC DOMAIN	31/10/2019
L506	02	PLANTING PLAN PUBLIC DOMAIN	31/10/2019
L701	03	SECTIONS & ELEVATIONS	12/05/2020
L702	03	SECTIONS & ELEVATIONS	12/05/2020
L703	03	SECTIONS & ELEVATIONS	12/05/2020
L801	02	HARDSCAPE DETAILS	31/10/2019
L802	02	SOFTSCAPE DETAILS	31/10/2019
L803	02	CITY OF SYDNEY DETAILS	31/10/2019
L804	02	CITY OF SYDNEY DETAILS	31/10/2019
Engineering Plans prepared by <i>Jacobs Group</i>			
Dwg No.	Rev	Name of Plan	Date
C2	A	STORMWATER MANAGEMENT PLAN SHEET 1	15/06/2016
C3	A	STORMWATER MANAGEMENT PLAN SHEET 2	15/06/2016
C4	A	STORMWATER MANAGEMENT PLAN SHEET 3	15/06/2016
C5	A	STORMWATER MANAGEMENT DETAILS SHEET 1	15/06/2016
C6	A	STORMWATER MANAGEMENT DETAILS SHEET 2	15/06/2016
C7	A	STORMWATER MANAGEMENT DETAILS SHEET 3	15/06/2016
C8	A	STORMWATER MANAGEMENT DETAILS SHEET 4	15/06/2016
C9	A	STORMWATER MANAGEMENT DETAILS SHEET 5	15/06/2016
C10	A	STORMWATER MANAGEMENT DETAILS SHEET 6	15/06/2016
C11	A	EROSION AND SEDIMENT CONTROL PLAN SHEET 1	15/06/2016
C12	A	EROSION AND SEDIMENT CONTROL PLAN SHEET 2	15/06/2016
C13	A	EROSION AND SEDIMENT CONTROL PLAN SHEET 3	15/06/2016
C14	A	EROSION AND SEDIMENT CONTRL PLAN NOTES & DETAILS SHEET 1	15/06/2016
C15	A	EROSION AND SEDIMENT CONTRL PLAN NOTES & DETAILS SHEET 2	15/06/2016

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

A5. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

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

Planning Secretary as Moderator

A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description

is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);

- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

External Walls and Cladding

- A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Site Contamination

- A19. Remediation approved as part of this development consent must be carried out in accordance with the Remedial Action Plan dated 16 June 2016 and prepared by Coffey Geotechnics Pty Ltd.

Applicability of Guidelines

- A20. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A21. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Access to Information

A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance

A24. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

A25. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A27. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

A30. Within three months of:

- (a) the submission of a compliance report under condition A33;

- (b) the submission of an incident report under condition A26;
- (c) the submission of an Independent Audit under condition C38;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A33. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A34. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

Amendment to SSD 6123

- A36. Prior to removal of Tree 25, the Applicant must deliver a notice of modification to the consent authority for SSD 6123 that complies with clause 97 of the Environmental Planning and Assessment Regulation 2000. The notice must set out the modifications to SSD 6123 that are listed in **Schedule 3** of this consent.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

External Walls and Cladding

- B4. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, Heritage NSW and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

Community Communication Strategy

- B7. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

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

- (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) Ensure the builder's direct contact number is provided to small businesses and neighbours adjoining or impacted by the development, as well as to the Transport Management Centre and Sydney Coordination Office within Transport for NSW.

Outdoor Lighting

- B8. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- B9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Environmental Management Plan Requirements

- B10. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- B11. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) groundwater management plan including measures to prevent groundwater contamination;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition B14);
 - (d) Construction Waste Management Sub-Plan (see condition B15);
 - (e) Construction Soil and Water Management Sub-Plan (see condition B16);
 - (f) an unexpected finds protocol for contamination (including finds of asbestos containing materials and lead based paint) and associated communications procedure; and
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- B12. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary

- B13. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW Sydney Coordination Office;
 - (c) detail the measures that will be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) detail measures to minimise disruptions for vehicular access to other residential properties on the street and methods of communication and notification where access may be temporarily affected;
 - (f) estimate the number of construction vehicle movements in the context of the construction program and daily construction hours; and
 - (g) identify other developments in the precinct and ensure coordination of work activities are managed to minimise impacts.
- B14. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) incorporate the recommendations of the Noise Impact Assessment dated 21 November 2016 and prepared by Acoustic Logic;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works;
 - (f) describe the community consultation undertaken to develop the strategies in condition B14(e);
 - (g) include a complaints management system that would be implemented for the duration of the construction; and
 - (h) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.
- B15. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, 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 construction.
- B16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
 - (d) detail all off-site flows from the site; and

- (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI).
- B17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- B18. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events.
- B19. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Construction Parking

- B20. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site or nearby Sydney University Land, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operational Noise – Design of Mechanical Plant and Equipment

- B21. Prior to installation of mechanical plant and equipment, the Applicant must undertake additional background noise monitoring at Darlington Public School and adjacent residential receivers, incorporate the noise mitigation recommendations in the Noise Impact Assessment dated 21 November 2016 and prepared by Acoustic Logic into the detailed design drawings to ensure the mechanical plant does not exceed 5dB(A) above background noise levels at the boundary of the development site. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels.

Archaeological Monitoring Strategy

- B22. Prior to the commencement of works, an archaeological monitoring strategy must be submitted to the Planning Secretary for approval. The strategy must provide information on the areas requiring archaeological monitoring, unexpected finds procedures, final reporting and provisions for the long term storage and interpretation of archaeological finds.

Public Domain Works

- B23. Prior to the commencement of any public footpath, public road, or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Tree Protection

- B24. Prior to commencement of building works, detailed plans for all work within the Tree Protection Zone of any tree to be retained (including street trees and Tree 11) must be certified by the Arborist that:
- (a) The plans are in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Arbor Safe and dated 19 November 2016.
 - (b) The proposed design is appropriate to ensure the longevity and viability of all trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites.

- B25. Prior to the commencement of construction, a Tree Protection Plan (TPP) must be prepared by a Qualified AQF Level 5 Arborist identifying trees to be retained. The TPP must be drawn to scale, include numbers of each tree, tree location, TPZ, SRZ, canopy spread and the percentage encroachment within those zones.

BASIX Certification

- B26. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificates No. A386558 (dated 23 September 2020) and A3872650 (dated 26 September 2020) and updated certificate/s issued if amendments are made.

Archival Recording

- B27. Prior to the commencement of works an external and internal archival recording of the 38 terrace houses must be made in accordance with the requirements of Heritage NSW.

Public Art

- B28. Prior to the commencement of works, plans must be updated and submitted to the certifier detailing the incorporation of Public Art within the Codrington Street Park, designed in accordance with the University's Art in the Public Realm strategy.

PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer and must satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) 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 must be displayed on the site notice; and
 - (e) 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.

Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B9.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
- (b) between 8am and 3.30pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- C5. Construction activities may be undertaken outside of the hours in condition C4 if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
- (c) where the works are inaudible at the nearest sensitive receivers; or
- (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- C9. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must 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.

No Obstruction of Public Way

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- C12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C14. The Applicant must implement, where practicable, and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- C15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B14 of this consent.

Tree Protection

- C18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless they form a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements and AS4970-2009 Protection of Trees on Development Sites;

- (c) an arborist qualified in arboriculture to Australian Qualifications Framework (AQF) level 5 or above with at least five years demonstrated experience in managing trees within complex development sites must be engaged to assist with tree management advice during construction;
- (d) any street tree which is damaged or removed during construction due to an emergency must be replaced, to the satisfaction of Council;
- (e) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment prepared by Arbor Safe and dated 19 November 2016 and in accordance with AS4970-2009 Protection of Trees on Development Sites and Section 8 of the City's Street Tree Masterplan 2011 (STMP);
- (f) all works in the vicinity of Tree 11 must be carried out in accordance with the detailed recommendations in Section 9.2 of the Arboricultural Impact Assessment prepared by Arbor Safe and dated 19 November 2016 and the plans certified by the Arborist as required by condition B24; and
- (g) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required in accordance with AS4970-2009 Protection of Trees on Development Sites. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C20. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

C21. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

C22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval

of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- C24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Stormwater Management System

- C25. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Unexpected Finds Protocol – Aboriginal Heritage

- C26. 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 EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

Unexpected Finds Protocol – Historic Heritage

- C27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

- C28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C31. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C32. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- C33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Independent Environmental Audit

- C34. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- C36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- C37. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C35 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C38. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- C39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Contamination

- C40. Following demolition of any existing structures and in ground utilities, further investigation is to be undertaken of soil contamination within the footprint of those structures and utilities prior to undertaking any construction. Where necessary, the Remedial Action Plan (RAP) referred to in condition A19 is to be updated to incorporate any additional measures necessary to address any contamination identified by the further investigation. Amendments to the RAP must be prepared and approved by a certified consultant in accordance with the requirements of the Contaminated Land Management Act 1997 and State Environmental Planning Policy 55 – Remediation of Land.

Heritage

- C41. All works to the terrace houses must be carried out in accordance with the Statement of Heritage Impact prepared by Ian Kelly dated May 2020, Terraces External Condition Proposed Conservation Schedule and Terraces Internal Condition Proposed Conservation Schedule, both prepared by AJC and dated 20 May 2020.
- C42. All works to the terrace houses must be carried out by skilled tradespeople under the direction of a suitably qualified heritage consultant experienced in heritage restoration and renovation works.

Road Damage

- C43. The existing stone kerbs on the Darlington Road, Codrington Street, Darlington Lane and Garden Grove frontages of the site must be retained and properly protected during demolition, excavation and construction works except where new vehicle crossings or temporary crossings are to be constructed to access the property or temporary removal is required to avoid damage. Affected kerb stones must be salvaged and reused wherever possible.
- C44. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be permitted, subject to the approval of Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details

and specifications after the construction works have been completed. A temporary concrete kerb must be constructed to retain the footpath until the stone kerbs can be reinstalled.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

- D4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier 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) to be forwarded to Council.

Protection of Public Infrastructure

- D5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by this consent.

Protection of Property

- D6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- D7. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Roadworks and Access

- D8. Prior to the commencement of operation, the Applicant must complete the upgrade works on Darlington Lane to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

Works as Executed Plans

- D9. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Heritage Interpretation

D10. Prior to the commencement of operation, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with Heritage NSW and Council;
- (b) include provision for naming elements within the development that acknowledges the site's heritage;
- (c) incorporate interpretive information into the site;
- (d) incorporate the recommendations of the Statement of Heritage Impacts prepared by Ian Kelly and dated May 2020; and
- (e) provide details of an appropriate method to demonstrate the outline of the 17 sets of demolished stairs as a graphic on the adjacent wall to enable the original stairs to be easily interpreted.

D11. Prior to commencement of operation, all conservation works to the terrace houses carried out in accordance with the Statement of Heritage Impact prepared by Ian Kelly dated May 2020, Terraces External Condition Proposed Conservation Schedule and Terraces Internal Condition Proposed Conservation Schedule, both prepared by AJC and dated 20 May 2020, must be completed.

Mechanical Ventilation

D12. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

D13. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise Impact Assessment dated 21 November 2016 and prepared by Acoustic Logic have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified through the assessment required by condition B21.

Bicycle Parking and End-of-Trip Facilities

D14. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:

- a) the provision of a minimum 90 bicycle parking spaces;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) access to the parking from the street (including any openings) must be at least 1.8 metres wide);
- d) appropriate pedestrian and cyclist advisory signs must be provided; and
- e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Road Damage

D15. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

D16. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety

Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D17. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Stormwater Quality Management Plan

- D18. Prior to the commencement of operation of the relevant stormwater system, an Operation and Maintenance Plan (OMP) must be submitted to the satisfaction of the Certifier. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

- D19. The installation 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 Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- D20. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Operational Waste Management Plan

- D21. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the measures included in EIS Appendices R and U.

Site Contamination

- D22. Remediation approved as part of this development consent must be carried out in accordance with the Remedial Action Plan dated 16 June 2016, and prepared by Coffey Geotechnics Pty Ltd (as updated where required by condition C40).

Site Audit Statement

- D23. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the residential and educational land use and be provided for the information of the Planning Secretary and the Certifier.

Landscaping

- D24. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, within the pocket park and within Darlington Lane, to the satisfaction of Council (with regard to Darlington Lane) and to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- D25. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Environmental Performance

- D26. Prior to the occupation or use of 86 or 87 Darlington Road, the Applicant must implement the commitments outlined in BASIX Certificates No. A386558 (dated 23 September 2020) and A3872650 (dated 26 September 2020).

Redfern-Waterloo Authority Contributions Plan 2006

- D27. In accordance with the provisions of the Redfern-Waterloo Authority Contributions Plan, prior to occupation of the building, the Applicant shall either:
- (a) pay to Infrastructure NSW a contribution of \$884,400; or
 - (b) undertake public domain improvement works to a minimum value \$884,400. The works may include pavement treatment, improved lighting and / or landscaping and street tree planting.
- D28. If public domain and roadworks are to be provided pursuant to condition D27(b), the Applicant must:
- (a) provide an outline of the proposed works and estimated cost to Council and Infrastructure NSW for approval, prior to commencement of the public domain works; and
 - (b) upon completion of the public domain works, and prior to occupation of the buildings, provide evidence of the costs and satisfactory completion of the public domain improvement works to Council and Infrastructure NSW.

PART E POST OCCUPATION

Operation of Plant and Equipment

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- E2. The 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 Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- E3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Heritage Interpretation Plan

- E4. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition D10.

Operational Management

- E5. The Applicant must ensure that the development is operated in accordance with Darlington Road Terraces Plan of Management, prepared by the University of Sydney, at Appendix R of the EIS, as updated by:
- (a) named contacts and phone numbers for emergencies and noise complaints;
 - (b) floor plans to highlight emergency routes;
 - (c) individual building specific house rules;
 - (d) occupancy agreements; and
 - (e) incorporation of the residential handbook; and
 - (f) any relevant requirements in the conditions of this consent.

Operational Noise Control

- E6. The Applicant must ensure that the roof top terraces incorporate 1.8m high privacy screens and that the hours of use of the roof top terraces are limited as follows:
- (a) between 7am and 10pm Monday to Saturday; and
 - (b) between 8am and 9pm Sundays.
- E7. The Applicant must ensure the use of amplified sound equipment (including musical instruments, televisions, radio, microphones and speakers) is prohibited on the roof top terraces at all times.
- E8. Noise associated with the operation of any plant machinery or other equipment on the site must not exceed 5dB(A) above the background noise level when measured at the boundary of all nearby sensitive receivers.
- E9. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data are collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of commencing use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Condition E8. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers. The noise monitoring locations must include, but not be limited to, Darlington Public School, Nos. 88, 93, 97 and 120 Darlington Road.

Stormwater Operation and Maintenance Plan

E10. The OMP required by condition D18 of this consent must be implemented for the duration of occupation of the development.

Ecologically Sustainable Development

E11. Within six months of commencement of operation, evidence must be obtained demonstrating the development achieves Silver level under the University of Sydney Sustainability Framework.

Outdoor Lighting

E12. Notwithstanding condition D20, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

E13. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required by condition D24 for the duration of occupation of the development.

Use of Communal Facilities

E14. All internal communal space within the new buildings (A, B, C and D) available for students within those buildings must be available for the use of the students residing in the terrace buildings on the site.

SCHEDULE 3 – MODIFICATION TO SSD 6123

Schedule 2 Part A Condition A5 is to be amended by the insertion of the **bold and underlined** words / numbers and / or deletion of the struck out words / numbers in the plan reference as follows:

SSD-H-11	B <u>D</u>	DARLINGTON TERRACES – PROPOSED ENVELOPE PLAN	01/07/2014 <u>27-10-2020</u>
----------	------------	---	--

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW(RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be provided to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.