

Development Consent – Key Sites

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Soo-Tee Cheong (chair)

Member of the Commission

Ilona Millar

Member of the Commission

Dr Peter Williams

Member of the Commission

Sydney

4 March 2019

File: OBJ16/15845

SCHEDULE 1

Application Number:

SSD 8135

Applicant:

Deicorp Ltd

Consent Authority:

The Independent Planning Commission

Site:

Pemulwuy Precinct 3, 77-123 (odd) Eveleigh Street, Redfern

Address	Lot	DP
77-79 Eveleigh Street	1	996782
81-83 Eveleigh Street	A & B	326761
85 Eveleigh Street	B	81200
87 Eveleigh Street	1	996783
89 Eveleigh Street	1	741715
91 Eveleigh Street	1	779120
93-95 Eveleigh Street	A & B	439127
97 Eveleigh Street	1	797845

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99 Eveleigh Street	1	194785
101-105 Eveleigh Street	1	88846
107 Eveleigh Street	1	708931
109 Eveleigh Street	1	996784
111-119 Eveleigh Street	1 to 5	230305
121 Eveleigh Street	1	995857
123 Eveleigh Street	1	803299
Old accessways	11 & 12	1183218

Development:

Construction of a student accommodation development within Precinct 3 of the Pemulwuy Precinct, including:

- construction of between 3 and 24 storeys student accommodation building to a maximum height of RL 96.57, comprising:
 - 596 student beds
 - communal student amenities
 - communal open space including an internal courtyard and a roof top terrace
- public domain improvements, public open space and hard and soft landscaping.

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Summary of Modifications

SSD 8135	Approved by the IPC on 4 March 2019
SSD 8135 MOD 1	Approved by the Director, Key Sites Assessments on 19 August 2019, for: <ul style="list-style-type: none">correct minor errors and misdescriptions to plan references, the maximum number of beds and maximum RL for the 22-storey component.
SSD 8135 MOD 2	Approved by the Director, Key Sites Assessments on 15 March 2021, for: <ul style="list-style-type: none">change to area of dedicated land referenced in Condition E9.

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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 A2.
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and RtS, as modified by the conditions of this consent.
DIP	Design Integrity Panel
EIS	The Environmental Impact Statement titled <i>Precinct P3 Development Pemulwuy Project</i> , prepared by Ludvik & Associates Pty Ltd, dated September 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or

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results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
Operation	The use of student accommodation 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.
Response to submissions / RtS	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. The Response to Submissions Preferred Project Report titled Concept Plan No. MP 06_0101 MOD 2 State Significant Development 8135 Precinct P3 Development Pemulwuy Project, prepared by Ludvik & Associates Pty Ltd, dated May 2018
RMS	NSW Roads and Maritime Services
Subject Site	The site described in Schedule 1

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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) in accordance with the EIS and Response to Submissions
- d) **in accordance with Section 4.55(1) modification application to Development Consent SSD 8135 (MOD 1) prepared by City Plan dated 21 May 2019**
- e) **in accordance with Section 4.55(1A) modification application to Development Consent SSD 8135 (MOD 2) prepared by Deicorp dated 8 February 2021**
- f) generally in accordance with the following drawings:

Architectural Drawings prepared by Turner			
Drawing No.	Revision	Name of Drawing	Date
DA-110-001	⌵ V	GA Plans Roof	19/04/18 28/02/19
DA-110-007	⌵ V	GA Plans Lower Ground	19/04/18 28/02/19
DA-110-008	⌵ V	GA Plans Upper Ground	19/04/18 28/02/19
DA-110-010	⌵ V	GA Plans Level 01	19/04/18 28/02/19
DA-110-020	V	GA Plans Level 02	28/02/19
DA-110-030	⌵ V	GA Plans Level 03	19/04/18 28/02/19
DA-110-040	⌵ V	GA Plans Levels 04, 05	19/04/18 28/02/19
DA-110-050	V	GA Plans Level 06	28/02/19
DA-110-060	⌵	GA Plans Level 07	19/04/18

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	V		28/02/19
DA-110-070	V	GA Plans Levels 08	28/02/19
DA-110-075	V	GA Plans Levels 09	28/02/19
DA-110-080	U V	GA Plans Level 10	19/04/18 28/02/19
DA-110-090	U V	GA Plans Levels 11-14,16	19/04/18 28/02/19
DA-110-100	V	GA Plans Level 15	28/02/19
DA-110-110	U V	GA Plans Level 17	19/04/18 28/02/19
DA-110-120	V	GA Plans Level 18-20	28/02/19
DA-110-130	U V	GA Plans Level 21	19/04/18 28/02/19
DA-110-140	U V	GA Plans Plant	19/04/18 28/02/19
DA-110-001	U V	GA Plans Roof	19/04/18 28/02/19
DA-250-010	U	GA Elevations Eveleigh Street_North Elevation	19/04/18
DA-250-020	U	GA Elevations Lawson Street_West Elevation	19/04/18
DA-250-030	U	GA Elevations Railway Line_South Elevation	19/04/18
DA-250-040	U	GA Elevations Terraces_East Elevation	19/04/18
DA-350-010	U	GA Sections Section A-A	19/04/18
DA-350-020	U	GA Sections Section B-B	19/04/18
DA-350-030	U	GA Sections Section C-C	19/04/18
DA-350-040	U	GA Sections Section D-D	19/04/18
DA-400-010	U	Room Amenities Room Layouts - Studios	19/04/18
DA-400-020	U	Room Amenities Room Layouts - Studios & Twins	19/04/18
DA-400-030	U	Room Amenities Room Layouts - 5 bed Cluster – Type A & B	19/04/18
DA-400-040	U	Room Amenities Room Layouts - 5 bed Cluster – Type C & D	19/04/18
DA-550-001	A	Subset Façade Details Type 1	13/04/18
DA-550-002	A	Subset Façade Details Type 1	13/04/18
DA-550-003	A	Subset Façade Details Type 1	13/04/18
DA-550-004	A	Subset Façade Details Type 2	13/04/18
DA-550-005	A	Subset Façade Details Type 2	13/04/18
DA-550-006	A	Subset Façade Details Type 3	13/04/18
DA-550-007	A	Subset Façade Details Type 3	13/04/18

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DA-950-001	U	Materials and Finishes Eveleigh Street – North	19/04/18
DA-950-002	U	Materials and Finishes Eveleigh Street – Courtyard Entry	19/04/18
DA-950-003	U	Materials and Finishes Eveleigh Street – South	19/04/18
DA-950-004	U	Materials and Finishes Main Entry & Public Domain Interface	19/04/18
DA-950-005	U	Materials and Finishes Eveleigh Street – High Levels	19/04/18
DA-950-006	U	Materials and Finishes Façade to Railway	19/04/18
DA-950-007 DA-960-001	U	Materials and Finishes Sample Board	19/04/18
Architectural Drawings prepared by Turner			
Drawing No.	Revision	Name of Drawing	Date
LD DA100	B	ILLUSTRATIVE LANDSCAPE MASTERPLAN	02.02.2018
LD DA101	B	GROUND FLOOR PUBLIC DOMAIN	02.02.2018
LD DA102	A	GROUND FLOOR PUBLIC DOMAIN	05.06.2017
LD DA130	A	LEVEL 2 ECO ROOF	05.06.2017
LD DA140	A	LEVEL 21 ROOF TERRACE	05.06.2017
LD DA200	A	SECTION AA – PRECINCT 3 FORECOURT	05.06.2017
LD DA201	A	SECTION BB – EVELEIGH SHARED ZONE	05.06.2017
LD DA202	A	SECTION CC – GROUND FLOOR COURTYARD	05.06.2017

- 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; and
 - b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(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 A2c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict..

Design Excellence and Integrity

- A5. In order to ensure design excellence of the development is retained:
- a) the lead architect is to have:

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- (i) direct involvement in the design documentation, contract documentation and construction stages of the project
 - (ii) full access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project.
- b) in the event that the design architect for the application (Turner) is not the lead architect (A5(a)), it shall have a role in the Design Integrity Panel or another review/oversight role as may be agreed by the Planning Secretary.
- A6. Prior to the issue of the first Construction Certificate, the Applicant is to provide a Design Excellence (DE) brief to the satisfaction of the Planning Secretary. This brief shall:
- (a) provide new terms of reference for the Design Integrity Panel (DIP) based on the existing terms of reference for the Design Review Panel
 - (b) demonstrate how and when the DIP will be involved in the review and input into the design development to ensure design integrity of the project, including any subsequent modifications and post approval.
- A7. The DIP is to review and provide comment on the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages prior to the issue of the relevant Construction Certificate. This is to ensure that the design submitted and endorsed at EIS submission is consistent with the design developed for Construction Certificate.

Restrictions on Use – Student Accommodation

- A8. Residents accommodated within the student accommodation facility during the university semester periods must be students that are enrolled at a tertiary education facility (TEF), staff employed by a TEF and/or other persons affiliated or connected with a TEF (which may include visiting academics or students).
- A9. Residents accommodated within the student accommodation facility outside the TEF semester periods must either meet the criteria in **Condition A8** or be attending, or affiliated with, TEF events or activities.
- A10. The maximum number of permissible beds and student occupants provided within the student accommodation building is ~~593~~ **596**.

Subsidised Student Accommodation for Aboriginal and Torres Strait Island Students

- A11. A minimum of 110 beds within the student accommodation shall be subsidised and made available to Aboriginal and Torres Strait Island students.

Subdivision

- A12. No strata subdivision of the building will be permitted.

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Lapsing of Approval

A13. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

A14. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Long Service Levy

A15. 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

A16. Any advice or notice to the consent authority shall be served on the Planning Secretary.

Evidence of Consultation

A17. 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 to the Planning Secretary for 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.

Structural Adequacy

A18. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

Operation of Plant and Equipment

A19. All plant and equipment used on site, or to monitor the performance of the development must be:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

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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. However, 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 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.

Incident Notification, Reporting and Response

- A23. The Department must be notified in writing to compliance@planning.nsw.gov.au 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.
- A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A25. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A26. 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.
- A27. 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

- A28. Within three months of:

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- a) the submission of a compliance report under **Condition C21**;
- b) the submission of an incident report under **Condition A23**;
- c) the submission of an Independent Audit under **Condition C22**;
- 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 A2** which requires a review,

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

A29. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval 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.*

Airspace Protection

A30 For the purposes of controlled activities within the protected airspace of Sydney Airport, the building must not exceed a maximum height of 96.57 Australian Height Datum (AHD), inclusive of lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust fumes etc.

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PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Crime Prevention through Environmental Design (CPTED) and Wind Mitigation

- B1. Prior to the issue of the relevant Construction Certificate, a CPTED assessment shall be submitted for the Planning Secretary's approval showing method(s) / treatment(s) to ensure that the following spaces are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles:
- a) the public open space located between the main entrance of the building and Lawson Street
 - b) the central communal courtyard at lower ground floor level.

The wind mitigation measures recommended within the Pedestrian Wind Environment Study (Revision 2) prepared by Windtech and dated 19 January 2018 shall be reviewed in light of any CPTED mitigation measures recommended by the CPTED assessment.

- B2. Prior to the issue of the relevant Construction Certificate, the drawings shall be prepared and amended in consultation with Council and then submitted to and approved by the Planning Secretary showing the inclusion of mitigation measures provided in the CPTED assessment and wind assessment.

Compliance with the Building Code of Australia (BCA)

- B3. Details shall be provided to the satisfaction of the Certifying Authority, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

Public Art

- B4. Final details of the proposed public art work must be prepared in consultation with Council and submitted to and approved by the Planning Secretary prior to issue of the Construction Certificate for the façade works or public domain works, whichever is the sooner.

Reflectivity

- B5. Prior to issue of the relevant Construction Certificate for above ground works, the Certifying Authority is to ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20%.

Outdoor Lighting

- B6. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

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Access for People with Disabilities

- B7. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

Erosion and Sediment Control

- B8. 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 Certifying Authority prior to the issue of the relevant Construction Certificate for below ground works.

Pre-Construction Dilapidation Reports

- B9. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, above ground infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for below ground works. A copy of the report is to be forwarded to the Department and each of the affected property owners.
- B10. In relation to the rail corridor, the dilapidation survey will be undertaken via a joint inspection with representatives from Sydney Trains. 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 will be required unless otherwise notified by Sydney Trains.
- B11. 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 Certifying Authority 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.

Public Domain Plan

- B12. A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and approved by Council prior to a Construction Certificate being issued for public domain work. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- B13. The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and

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Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The Public Domain Plan submission must incorporate the approved Alignment Levels in accordance with **condition B17**. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

Public Domain Works Deposit/Guarantee

- B14. A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- B15. Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- B16. The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Alignment Levels

- B17. Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- B18. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- B19. These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

Bicycle Facilities

- B20. A minimum of 184 bicycle parking spaces shall be provided on-site, comprising:

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- a) 176 bicycle spaces at lower ground floor level, including 20 bicycle share spaces
- b) eight visitor bicycle parking spaces within the public domain.

B21. 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 / staff / employees must be Class 2 bicycle facilities, and
- b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Structural Details

B22. Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority 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

B23. 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 an occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

Storage and Handling of Waste

B24. 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 will meet the requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 to the satisfaction of the Certifying Authority.

B25. The Waste Management Plan submitted with the EIS prepared by Elephant Foot Recycling Solutions and dated 8/06/2017 is to be finalised and approved by the Certifying Authority prior to the relevant Construction Certificate being issued. The Plan must comply with Council's Policy for Waste Minimisation in New Development 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

Sydney Water Notice of Requirements

B26. 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.

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Installation of Efficient Taps, Toilets and Urinals

- B27. All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme, where available (unless an alternative rating is approved under **condition B32**). The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate for services and finishes works.
- B28. 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 (unless an alternative rating is approved under **condition B32**). The details must be submitted for approval by the Certifying Authority, prior to the relevant Construction Certificate being issued for above ground works.
- B29. 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).
- B30. Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to the relevant Construction Certificate being issued for above ground works.

Internal Lighting System

- B31. The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to the relevant Construction Certificate being issued.

Environmental Performance

- B32. Prior to the issue of a Construction Certificate for above ground works, the Applicant is to prepare an updated Ecological Sustainable Development (ESD) report exploring the opportunity to increase the Green Star rating (Green Star, Design and As Built V.1 tool) of the building beyond 3-stars in accordance with leading international and national best practice. The updated ESD report shall be submitted for the Planning Secretary’s approval.
- B33. 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 the Green Star rating as approved by **Condition B32**. Evidence of the project’s consistency with Green Star principles shall be provided to the Certifying Authority prior to the relevant Construction Certificate.

Groundwater and Disposal of Seepage and Stormwater

- B34. Prior to issue of the relevant Construction Certificate, details are to be submitted to the Certifying Authority 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*.

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B35. 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

External Walls and Cladding

B36. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

B37. Before the issue of the relevant Construction Certificate the Applicant must provide the Certifying Authority 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.

B38. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Unexpected Finds Protocol

B39. Prior to the issue of any Construction Certificate, an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA-accredited site auditor shall be submitted to the EPA for review and submitted to the satisfaction of the Certifying Authority. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

Contribution Levy Credit for Public Domain Works

B40. Prior to the issue of a Construction Certificate, and if a contribution levy credit for public domain works is to be sought under **condition E2(b)**, the Applicant must provide an outline of the proposed public domain works and estimated cost for the Secretary's approval

SYDNEY TRAINS

Corridor Protection

B41. Prior to the issue of a Construction Certificate and any works within 25m of the rail corridor for 2 metres or more of ground penetration or excavation, the following are to be prepared in accordance with Sydney Trains' requirements and provided to Sydney Trains for review and written endorsement:

- a) a Geotechnical and Structural Report that meet Sydney Trains' requirements. Sydney Trains will not permit any rock anchors or bolts (temporary or permanent) with its land or easements
- b) an Excavation and Construction Methodology that meet Sydney Trains' requirements
- c) cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation. Structural design of the sub ground support adjacent to the Rail Corridor, all RL depths and horizontal distance as determined by a registered surveyor of the proposed basement to the nearest platform, track, and any overhead structures

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- d) a Detailed survey of the proposed development in relation to the Rail Corridor, as undertaken and provided by a registered surveyor to the satisfaction of Sydney Trains
- e) a Track Monitoring Plan including instrumentation and monitoring regime for the duration of the excavation and construction of the development that meet Sydney Trains' requirements.

Derailment Protection

B42. Prior to the issue of a Construction Certificate, a Derailment Protection Risk Assessment in accordance with Australian Standard AS5100 must be prepared and provided to Sydney Trains for review and written endorsement. Where the risk assessment has identified a need for derailment protection, or where required by the Australian Standard, the applicant is to incorporate those measures into the design and engineering details of the building.

Drainage

B43. Prior to the issue of a Construction Certificate, a final drainage solution should be developed in consultation with Sydney Trains addressing the following matters for review and written endorsement by Sydney Trains:

- a) demonstrate that drainage and stormwater within the site can be managed without any adverse impact on, or entering into, the rail corridor in accordance with the Transport Asset Standard Authority (ASA) Standards
- b) that stormwater runoff from all impervious surfaces on the property is collected and conveyed to a point suitable for integration with the constructed stormwater drainage system
- c) details of the future care and control of the drainage system.

Noise and Vibration

B44. Prior to the issue of a Construction Certificate, an Acoustic Assessment must be prepared identifying any noise mitigation measures to be incorporated into the design for the proposed building appropriate to its intended use and demonstrate how the development will comply with the Department of Planning & Environment's document titled "*Development Near Rail Corridors and Busy Roads – Interim Guidelines*".

Balconies and Windows

B45. Prior to the issue of a Construction Certificate, any proposed balcony or window that is within 20m of the rail corridor is to incorporate adequate measures that prevent the throwing of objects onto the rail corridor into the design of the buildings to Sydney Trains written endorsement.

Reflective Material

B46. Future structures located along the rail corridor are to minimise the use of reflective material such as mirrored glass and metal finishes

B47. Prior to the issue of a Construction Certificate adequate measures to limit glare and reflectivity must be incorporated into the design of the buildings. The measures are to be developed in consultation with and for Sydney Trains' review and written endorsement.

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Fencing and Landscaping

B48. Prior to the issue of a Construction Certificate, design guidelines are to be prepared regarding the fencing to be used/constructed along the entire common boundary with the rail corridor. The fencing guidelines and specifications are to be developed in consultation with and for Sydney Trains review and written endorsement.

Services Search

B49. Prior to the issue of a Construction Certificate, a services search must be undertaken to establish the existence and location of any rail services located within and adjacent to the site. Persons performing the services search shall use equipment that will not have any impact on rail services and signalling. Should rail infrastructure be identified within the subject development site, any relocation or incorporation of these services are to be agreed upon in consultation with Sydney Trains, with written approval prior to the issue of the Construction Certificate.

Electrolysis

B50. Prior to the issue of a Construction Certificate, an Electrolysis Report prepared by an Electrolysis Expert detailing any potential risk and recommended protection measures to control any risk to the development from stray currents must be prepared. Where a risk has been identified requiring protection, or where protection is required by relevant Australian Standards, the applicant is to incorporate those measures into the design and engineering details of the building.

Adjacent Heritage Structure

B51. As the proposed development is located in close proximity of railway heritage items, the Applicant is required to retain the services of a heritage expert/architect to supervise works that are in close proximity to the heritage items in order to conserve heritage values.

Track Possession and Power Outages

B52. Track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to Sydney Trains' facilities) may be required to undertake the proposed works. Prior to the issue of a Construction Certificate for Precinct 3, consultation with Sydney Trains for written approval and advice is to be sought for the proposed demolition, excavation and construction works that directly adjoin the rail corridor, which need to be undertaken in a safe and controlled manner to avoid any impacts on the rail corridor or train services and to comply with Sydney Trains' requirements that may involve, but not be limited to:

- a) the need to enter into an Agreement to enable works to be planned and to proceed in a safe and controlled manner
- b) cost of supervision, design checks, meetings, approvals and service searches is to be borne by the Applicant
- c) in the event that the Applicant requires access to the rail corridor prior to entering into an Agreement, the entering into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the Applicant is carrying out any work within or adjacent to the railway corridor

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- d) appropriate level of insurance.

Risk Assessment & Operations

B53. Prior to the issue of a Construction Certificate a Risk Assessment / Construction Management Plan and detailed Safe Work Method Statements for the proposed works on any potential impacts on rail corridor is to be prepared for Sydney Trains review and written endorsement. The following matters should be addressed (but not be limited to) in consultation with Sydney Trains and included within the Risk Assessment / Construction Management Plan:

- a) maximum potential swing of any craneage and aerial operations
- b) potential impact from operational machinery
- c) no metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor
- d) no work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains
- e) dust and pollution mitigation
- f) no scaffolding or hoarding is to be used facing or within 6m of the rail corridor without written approval from Sydney Trains.

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PART C – PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department 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.

Demolition

- C3. The demolition work must comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 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 shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Construction Environmental Management Plan (CEMP)

- C4. Prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall address, but not be limited to, the following matters where relevant:
 - a) hours of work
 - b) 24 hour contact details of site manager and details of complaint handling
 - c) traffic management, in consultation with Council and TfNSW
 - 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) works in accordance with any remedial works plan
 - j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
 - k) 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.

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The Applicant shall submit a copy of the CEMP to the Planning Secretary and Council prior to the commencement of work.

Construction Pedestrian and Traffic Management Plan (CPTMP)

- C5. Prior to the commencement of any works on site the Applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and submitted to the Certifying Authority. The CPTMP shall specify, but not be limited to, the following:
- a) location of the proposed work zone
 - b) haulage routes
 - c) construction vehicle access arrangements
 - d) proposed construction hours
 - e) estimated number of construction vehicle movements
 - f) construction program
 - g) consultation strategy for liaison with surrounding stakeholders
 - h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
 - i) cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network
 - j) should any impact be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The Applicant shall submit a copy of the CBD Coordination Office endorsed CPTMP to the Planning Secretary and Council prior to the commencement of work.

Construction Noise and Vibration Management Plan (CNVMP)

- C6. Prior to the commencement of construction activities, a detailed and site specific Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) in consultation with Council and submitted to the Certifying Authority. The CNVMP shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public)
 - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes

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- c) identification of all potentially affected sensitive receivers
- d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009) and Council's Construction Hours / Noise Code of Practice 1992
- 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
- i) measures to monitor noise performance and respond to complaints.

The CNVMP should also consider 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.

The Applicant shall submit a copy of the CNVMP to the Planning Secretary and Council prior to the commencement of work.

Construction Waste Management Plan (CWMP)

- C7. Prior to the commencement of any works on site, a detailed Construction Waste Management Plan (CWMP) prepared by a suitably qualified person, in consultation with Council, shall be submitted to the Certifying Authority. The CWMP shall address, but not be limited to, the following matters:
 - a) recycling of demolition materials including concrete
 - b) removal of hazardous materials and disposal 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.
- C8. The Applicant shall submit a copy of the CWMP to the Planning Secretary and Council prior to commencement of work.
- C9. 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 Certifying Authority prior to the removal of any hazardous materials.

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Contact Telephone Number

C10. Prior to the commencement of the works, the Applicant shall forward to the Certifying Authority a 24 hour telephone number to be operated for the duration of the construction works.

Associated Roadway Costs

C11. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the Applicant. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

Utility Services

C12. Prior to the commencement of work the Applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) 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 Applicant.

C13. Prior to the commencement of work the Applicant is to obtain written advice from an electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) that satisfactory arrangements are in place to ensure provision of adequate services.

Barricade Permit

C14. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

Hoarding

C15. A separate application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- a) architectural, construction and structural details of the design as well as proposed artwork
- b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

Discovery of Archaeological Relics

C16. An appropriately qualified historical archaeologist should attend site during initial excavation in the event that an unexpected archaeological relic is discovered. All excavation or disturbance

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to the area is to stop immediately. Once the archaeologist has determined that it is indeed, an 'unexpected' relic, that is not associated with the former housing or farm uses of the site, then the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act, 1977.

C17. In the event that an unexpected archaeological relic is discovered then all excavation or disturbance to the area is to stop immediately. Once a qualified Aboriginal archaeologist has determined that it is indeed, an 'unexpected' object, then the Office of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Access to Information

C18. 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 Reporting

C19. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

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C20. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C21. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Environmental Audit

C22. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.

C23. Independent Audits of the development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Department under **Condition C22** of this consent; and
- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).

C24. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under **Condition C23** of this consent;
- (b) submit the response to the Department; and
- (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Compliance

C25. 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.

Prior to Commencement of Works

C26 Prior to the commencement of any construction works on site the Applicant shall seek separate approval under the *Airports (Protection of Airspace) Regulations 1996* for any cranes required to construct the building that are to operate at a height higher than that of the approved controlled activity (96.57 AHD).

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PART D - DURING CONSTRUCTION

Demolition

D1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

Works in Accordance with Plans

D2. The Applicant must carry out all works on the site which form part of this development in accordance with the:

- a) CEMP approved under **Condition C3**. The CEMP must document and incorporate all of the following Plans required under this consent
- b) CPTMP approved under **Condition C4**
- c) CNVMP approved under **Condition C6**
- d) CWMP approved under **Condition C7**.

Hours of Construction

D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) between 7 am and 6 pm, Mondays to Fridays inclusive
- (b) between 7 am and 3:30 pm, Saturdays.

D4. No work may be carried out on Sundays or public holidays.

D5. Activities may be undertaken outside of these hours 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.

D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities (if permitted by this consent) may only be carried out between the following hours:

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

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Construction Noise and Vibration Management

- D8. The development must comply with the construction noise management levels (NMLs) detailed in the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992. Where the exceedance of the NMLs is unavoidable 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 CNVMP, approved as part of the CEMP.
- D9. 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.
- D10. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of L_{Aeq} 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D11. Rock breaking, rock hammering, sheet piling and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.
- D12. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Conditions D3 – D7**.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D14. The Applicant must ensure construction of the development is carried out in accordance with the recommendations outlined in the Acoustic Report (Revision V1) prepared by Koikas Acoustics Pty Ltd dated 7 June 2017.
- D15. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*
 - b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above

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- d) these limits apply unless otherwise outlined in the CNVMP required under **Condition C6** and submitted to the satisfaction of the Certifying Authority.

Erosion and Sediment Control

D16. All erosion and sediment control measures, as designed in accordance with **Condition C3**, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Water Quality

D17. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the Table of Water Quality Limits in Schedule 2 and the following guideline documents:

- a) *NSW Water Quality Objectives*
- b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.

Survey Certificate

D18. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

Utilities

D19. 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.

Work Cover Requirements

D20. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hazardous and Industrial Waste

D21. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997*
- b) *Protection of the Environment Operations (Waste) Regulation 1996*
- c) *Waste Avoidance and Recovery Act 2001*
- d) *New South Wales Occupational Health & Safety Act 2000*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J)*

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- f) *Construction Work Involving Asbestos or Asbestos Cement 1983)*
- g) *The Occupational Health & Safety Regulation 2001*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

Covering of Loads

D22. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

D23. 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.

Dust Control Measures

D24. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction.

No Obstruction of Public Way

D25. 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 the Planning Secretary to stop all work on site.

External Lighting

D26. 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 City of Sydney evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Bunding

D27. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Site Notice

D28. 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, Certifying Authority and Structural Engineer. 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 from a public road or other public place adjacent to the site

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- b) The notice is to be rigid, 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
- 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.

Contact Telephone Number

D29. The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Approved Plans to be On-Site

D30. 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 Council, Heritage Council, the Department or the Certifying Authority.

Site Contamination Issues During Construction

D31. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

Compliance Report

D32. The Applicant, or any party acting upon this consent, shall, for the duration of the construction period, submit to the Planning Secretary a three monthly report addressing compliance with all relevant conditions of this Part.

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PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate to be Submitted

- E1. An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department 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.

Contribution levied under Redfern–Waterloo Authority Contributions Plan (RWC Plan)

- E2. In accordance with the provisions of the RWC Plan and prior to the issue of an Occupation Certificate for the development, the Applicant shall either:
- a) pay a contribution of \$1,315,829 (based on 2% of the estimated development cost); or
 - b) undertake public domain improvement works to a minimum value of \$1,315,829 (or 2% of the estimated cost of the development). Such works could include pavement treatment to the share ways, improved lighting to the public domain and/or landscaping and street tree planting.
- E3. Prior to the issue of an Occupation Certificate, evidence of the costs of the public domain improvement works shall be provided to Council and the Planning Secretary.

Contribution levied under Redfern– Waterloo Authority Affordable Housing Contributions Plan (RWAHC Plan)

- E4. In accordance with the provisions of the RWAHC Plan and prior to the issue of an Occupation Certificate for the development, the Applicant shall pay an affordable housing contribution of \$1,436,126.40 (based on a rate of \$86.88 /m² of GFA). This rate is indexed and a final calculation of the amount owing will be made prior to payment.

The contribution levied above will be waived upon the Secretary being satisfied that Condition E16 in MP 11_0093 has been complied with.

Design Integrity Panel Review

- E5. Prior to the issue of an Occupation Certificate, the DIP shall review and comment on the development to ensure design integrity in accordance with **Condition A7**. The DIP will recommend any matters be resolved which are not satisfactory or consistent its previous advice or recommendations.

Operational Management Plan

- E6. Prior to the issue of an Occupation Certificate, the Operational Management Plan Revision 1 prepared by Atira Student Living and dated November 2017 shall 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 OMP shall be submitted to and approved by the Planning Secretary.
- E7. The OMP must reflect the whole of the Student Accommodation operations, including security management and must include as a minimum, but is not limited to:

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- a) the incorporation of the requirements of all other operational conditions of this consent
- b) each individual room of the student accommodation shall not to be occupied by more than one person per room, excluding twin rooms which shall not be occupied by more than two persons, as shown on the approved plans. Additional visitors / guests will be permitted to stay in accordance with the operator's House Rules
- c) beds may not be replaced by double bunk beds
- d) use and operation of the outdoor roof terrace in accordance with the requirements of **Condition F1**
- e) use of alcohol and/or drugs, curfews, noise management plan
- f) 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
- g) safety and security measures for residents, handling complaints
- h) provisions of communal areas and facilities, and access and facilities for people with disabilities
- i) 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.

Public Domain and Open Space

- E8. Prior to the issue of an Occupation Certificate, the Applicant shall provide evidence to the satisfaction of the Council demonstrating that all open space and public domain works have been completed.
- E9. Prior to the issue of an Occupation Certificate for this development, the open space located to the south of the building (450 **146** m²) and bound by Eveleigh Street, Lawson Street and the railway corridor shall be dedicated to Council for public use. Evidence of this shall be provided to the Planning Secretary.
- E10. Tree planting must be undertaken in accordance with the following conditions;
- a) all new trees shall be planted in accordance with the Public Domain Plan (**Condition B12**)
 - b) all new trees located within the open space to be dedicated to Council (**Condition E9**) shall be of mature tree stock with a height not less than 3 metres in height
 - c) all newly planted trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
 - d) all new trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF)

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- e) 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
- f) 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.

E11. Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

E12. The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Public Art

E13. Prior to the issue of an Occupation Certificate the approved public art (**Condition B4**) shall be installed.

Wind Impacts

E14. All required wind mitigation measures are to be completed in accordance with the approved wind mitigation method(s) / treatment(s) (**Condition B1**). Evidence shall be submitted to the Certifying Authority demonstrating compliance with **Condition B1** prior to the issue of an Occupation Certificate.

Environmental Sustainable Development

E15. Environmental Sustainable Development measures are to be completed/installed in accordance with **Condition B33**. Evidence shall be submitted to the Certifying Authority demonstrating compliance with **Condition B33** prior to the issue of an Occupation Certificate.

Green Travel Plan

E16. Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared in consultation with TfNSW Sydney Coordination Office. The GTP shall include wayfinding strategies and travel access guides for future students, employees and visitors to encourage travel modes other than private vehicle use.

Crime Prevention

E17. Prior to the issue of an Occupation Certificate, details shall be submitted to the satisfaction of the Certifying Authority that the CPTED works have been completed in accordance with **Condition B1**.

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Loading Dock

- E18. Prior to the issue of an Occupation Certificate, the loading dock vehicle turntable shall be installed and operational.
- E19. Prior to the issue of an Occupation Certificate, a Loading Dock Management Plan (LDMP) shall be submitted to the Certifying Authority to ensure safe and efficient operation of the proposed loading area and minimise conflicts with pedestrian movements. The LDMP shall include the following:
- a) allocation of sufficient loading spaces
 - b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements
 - c) controls on duration of stays
 - d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - e) controls on the placement of skips, pallets, etc.
 - f) procedures for tradesman access and parking
 - g) allocation of delivery times for residential removalists
 - h) truck access routes.

GFA and Height Certification

- E20. Prior to the issue of an Occupation Certificate, the Applicant shall submit to the Certifying Authority details demonstrating a Registered Surveyor has certified that:
- a) the development does not exceed the approved gross floor area of 26,935 m² GFA
 - b) the development does not exceed the approved maximum height of:
 - i) 3 storey component (RL 37.67)
 - ii) 9 storey component (RL 53.67)
 - iii) 17 storey component (RL 82.17)
 - iv) 22 storey component (~~RL 90.48~~) **RL 92.28**
 - v) 23 storey component (RL 94.35)
 - vi) 24 storey component (RL 96.57).

Prior to Occupation or Commencement of Use

- E20A Prior to the issue of an Occupation Certificate, the Applicant shall submit a written report from a certified surveyor to the Sydney Airport Corporation Ltd airfield design manager confirming the finished height of the building.

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Mechanical Ventilation

E21. Prior to the issue of an Occupation Certificate and following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority 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
- d) any dispensation granted by the New South Wales Fire Brigade.

E22. Prior to issue of an Occupation Certificate and following completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to and approved by the Certifying Authority.

Waste and Recycling Management

E23. Prior to an Occupation Certificate being issued or commencement of the use, whichever is earlier, the Certifying Authority must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan (**Condition B25**), other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.

Installation of Water Efficient Taps

E24. All taps and shower heads installed must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. Certification is to be submitted for the consent of the Certifying Authority, prior to a relevant Occupation Certificate being issued.

Laundry facilities

E25. Prior to the issue of an Occupation Certificate, 28 commercial washing machines and 28 commercial dryers are to be installed and operational within the communal laundry.

Bedroom furnishings

E26. Prior to the issue of an Occupation Certificate every bedroom within the development is to be appropriately furnished.

Signs to be Erected On-Site

E27. Prior to the issue of an Occupation Certificate signs reading:

- a) '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'
- b) 'occupants shall leave the premises quietly, having regard to maintaining the amenity of the area'.

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The signs must be erected and permanently displayed. The signs shall be located in prominent places where they can easily be observed and read by people entering and exiting the building and shall be maintained in good order at all times by the owner/operator of the building.

Protection of Public Infrastructure

E28. 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.

Site Consolidation

E29. Prior to the issue of an Occupation Certificate, the allotments comprising the subject site are to be consolidated into one lot, corresponding to the development precinct (Precincts 3).

Registration of Easements

E30. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the Certifying Authority 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

E31. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to issue of an Occupation Certificate.

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

Post-Construction Dilapidation Report

E32. Prior to the issue of an Occupation Certificate:

- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions

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- 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 Department 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. 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 will be required unless otherwise notified by Sydney Trains. An Occupation Certificate shall not be issued until written confirmation has been received from Sydney Trains confirming their satisfaction with the dilapidation survey and/or rectification of any damage.

Fire Safety Certificate to be Submitted

E33. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate must be submitted to the Certifying Authority for all of the items listed in the Fire Safety Schedule and a copy of the Fire Safety Certificate must be submitted to the Department.

Street Numbering

E34. Prior to the issue of an Occupation Certificate, 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.

Submission of Electronic CAD Models

E35. Prior to the issue of an Occupation Certificate, an accurate 1:1 electronic CAD model of the completed development must be submitted to Council for the electronic Visualisation City Model. Council's Modelling staff should be consulted prior to creation of the 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>

External Walls and Cladding

E36. Before the issue of an Occupation Certificate, the Applicant must provide the Certifying Authority 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, in accordance with **Condition B36**.

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SYDNEY TRAINS

As Built Drawings

- E37. Prior to the issue of an Occupation Certificate the Applicant shall prepare as-built drawings endorsed by a registered surveyor and in consultation with Sydney Trains showing there has been no encroachment into Sydney Trains Property or easements (excluding any previously approved by Sydney Trains). The Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the as-built drawings have been prepared to its satisfaction.
- E38. If in the event an agreement is required, both parties to the abovementioned consultation shall act reasonably and Sydney Trains is not to unreasonably prevent a resolution / agreement from being reached. In the event that a resolution / agreement is unable to be reached within 3 months, the matter is to be referred to the Planning Secretary for determination. All areas of disagreement and the position of each party are to be clearly stated to enable this determination to be made.

Future Maintenance of Development

- E39. Prior to the issue of an Occupation Certificate, the Applicant shall prepare a Future Maintenance Plan (FMP) in consultation with Sydney Trains confirming how future maintenance of the Precinct 3 development is to be undertaken. The Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction. The future building owner/operator is to comply with the requirements of the endorsed maintenance plan.

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PART F – POST OCCUPATION

Rooftop Terrace

F1. The use and operation of the rooftop terrace at Level 21 must comply with the following requirements:

- a) the hours of use of rooftop terrace are limited as follows:
 - i) between 7 am and 10 pm Monday to Saturday
 - ii) between 8 am and 9 pm on Sundays and public holidays
- b) no more than 50 persons are allowed on the rooftop terrace at any one time
- c) the rooftop terrace shall only be used by residents of the student accommodation building and their guests
- d) the use of amplified sound equipment (including musical instruments, televisions, radio and microphones, live or recorded entertainment etc.) is prohibited on the rooftop terrace at all times.

Noise Control – Mechanical Plant and Equipment

F2. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy
- b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute
- c) notwithstanding compliance with a) and b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12 midnight and 7 am.

Operation Management Plan

F3. The use and operation of the student accommodation must comply with the approved Operational Management Plan **Condition E6**.

Loading and Unloading

F4. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with the Loading Dock Management Plan **Condition E19**.

F5. At all times the service vehicle dock and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

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Environmental Performance

F6. Within 12 to 18 months following the issue of the final Occupation Certificate, the Applicant is to provide to the Certifying Authority and Planning Secretary documentation, prepared by a suitably qualified consultant, confirming that the development achieves a minimum Green Star rating in accordance with **Conditions B32 and B33**.

Waste Collection

F7. Prior to the issue of an Occupation Certificate, the Certifying Authority must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan, other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.

Anti-Graffiti

F8. The building ground level surfaces / elevations 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 places is to be removed within 48 hours.

Public Way to be Unobstructed

F9. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

Annual Fire Safety Certification

F10. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes 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.

External Lighting

F11. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Compliance Report

F12. The Applicant, or any party acting upon this approval, shall submit to the Planning Secretary a report addressing compliance with all relevant conditions of this approval.

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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 Other permits and approvals may be required including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, barricade 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 If required, an approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.

AN5 If required, structural certification from an appropriately qualified practicing structural engineer must be submitted to the Certifying Authority 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 EP&A Act. The Applicant is responsible for complying with all applicable anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the NCC 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 EP&A Act. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water,

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Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

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

Site Contamination Issues during Construction

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

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APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au 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 A26** or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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.

INCIDENT REPORT REQUIREMENTS

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.

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.

MODIFICATION KEY

SSD 8135	Approved 4/03/19	SSD 8135 MOD1	Approved XXXX		
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