

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011 and effective from 1 October 2011, I approve the project application referred to in schedule 1, subject to the conditions in schedule 2 and Statement of Commitments in Schedule 3.

These conditions are required to:

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

Member of the Commission

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Sydney

2012

### SCHEDULE 1

**Application No.:**

MP07\_0158

**Proponent:**

University of Sydney

**Approval Authority:**

Minister for Planning and Infrastructure

**Land:**

Sydney University, Darlington Campus, Corner Abercrombie Street and Codrington Street, Darlington

**Project:**

University of Sydney Abercrombie Precinct Redevelopment, including:

- site remediation
- lot consolidation and subdivision into two lots for the business school building and student accommodation building
- demolition of all existing structures, except part demolition only of the Faculty of Business and Economics building and reuse reinterpretation of the Joiner's Workshop building façade
- excavation and bulk earthworks across the site for basement and lower ground levels and services
- construction of a new car park, comprising two basement levels for 82 car parking spaces and loading dock facilities
- construction of a four to six storey business school building
- construction of a new three to five storey student accommodation building providing 188 beds
- landscaping and public domain works, including new public plaza/forecourt, through-site link and retention of Sydney Blue Gum and retention and/or relocation of Crows Ash trees
- ancillary works, including utilities servicing and minor works to Darlington Public School.

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## DEFINITIONS

|                                                        |                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advisory Notes                                         | Advisory information relating to the approval but do not form a part of this approval                                                                                                                                                                                                                                   |
| Proponent                                              | University of Sydney, or anyone else entitled to act on this approval                                                                                                                                                                                                                                                   |
| Application                                            | The major project application and the accompanying drawings plans and documentation described in Condition A1.                                                                                                                                                                                                          |
| BCA                                                    | Building Code of Australia                                                                                                                                                                                                                                                                                              |
| Construction                                           | Any works, including earth and building works                                                                                                                                                                                                                                                                           |
| Council                                                | City of Sydney                                                                                                                                                                                                                                                                                                          |
| Certification of Crown Building works                  | Certification under s109R of the EP&A Act                                                                                                                                                                                                                                                                               |
| Certifying Authority                                   | Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works                                                                           |
| Day                                                    | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays                                                                                                                                                                                                                         |
| Department                                             | Department of Planning and Infrastructure or its successors                                                                                                                                                                                                                                                             |
| Director-General                                       | Director-General of the Department of Planning and Infrastructure, or nominee/delegate                                                                                                                                                                                                                                  |
| Director General's approval, agreement or satisfaction | A written approval from the Director- General (or nominee/delegate)                                                                                                                                                                                                                                                     |
| Evening                                                | The period from 6pm to 10pm                                                                                                                                                                                                                                                                                             |
| EA                                                     | Environmental Assessment titled <i>Abercrombie Precinct Redevelopment Project Environmental Assessment</i> , prepared by <i>PJEP Environmental Planning Pty Ltd</i> , dated March 2011.                                                                                                                                 |
| EPA                                                    | Environment Protection Authority, or its successor                                                                                                                                                                                                                                                                      |
| EP&A Act                                               | <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                                                                                                                                   |
| EP&A Regulation or Regulation                          | Environmental Planning and Assessment Regulation 2000                                                                                                                                                                                                                                                                   |
| Incident                                               | A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval                                                                                                                                      |
| Minister                                               | Minister for Planning and Infrastructure, or nominee                                                                                                                                                                                                                                                                    |
| Night                                                  | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays                                                                                                                                                                                                                       |
| NOW                                                    | NSW Office of Water, or its successor                                                                                                                                                                                                                                                                                   |
| OEH                                                    | Office of the Environment and Heritage, or its successor                                                                                                                                                                                                                                                                |
| PCA                                                    | Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works                                                                                                                                                                              |
| PPR                                                    | Preferred Project Report titled <i>Preferred Project Report and Response to Submissions, The University of Sydney, Abercrombie Precinct Redevelopment</i> , prepared by <i>JBA Planning</i> , dated April 2012 (amended July 2012).                                                                                     |
| Reasonable and Feasible                                | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build |
| RMS                                                    | Roads and Maritime Services Division, Department of Transport or its successor                                                                                                                                                                                                                                          |
| Subject Site                                           | University of Sydney's Darlington Campus, Corner Abercrombie Street and Codrington Street, Darlington.                                                                                                                                                                                                                  |
| Sensitive receiver                                     | Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.                                                                                                                        |

## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### Development Description

- A1. Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Schedule 1.

#### Development in Accordance with Plans and Documents

- A2. The proponent shall carry out the project generally in accordance with the:
- (a) Environmental Assessment titled *Abercrombie Precinct Redevelopment Project Environmental Assessment*, prepared by *PJEP Environmental Planning Pty Ltd*, dated March 2011
  - (b) Project Report titled *Preferred Project Report and Response to Submissions, The University of Sydney, Abercrombie Precinct Redevelopment*, prepared by *JBA Planning*, dated April 2012 (amended July 2012)
  - (c) The following drawings, except for:
    - (i) any modifications which are Exempt' or Complying Development;
    - (ii) as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
    - (iii) otherwise provided by the conditions of this approval.

| <b>Architectural (or Design) Drawings prepared by <i>WOODSBAGOT and NETTLETON TRIBE</i></b> |                 |                                                           |             |
|---------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------|-------------|
| <b>Drawing No.</b>                                                                          | <b>Revision</b> | <b>Name of Plan</b>                                       | <b>Date</b> |
| A1001                                                                                       | A               | SITE ANALYSIS                                             | 13/04/12    |
| A1003                                                                                       | A               | EXTENT OF WORKS                                           | 13/04/12    |
| A1004                                                                                       | A               | EXISTING SUBDIVISION PLAN                                 | 13/04/12    |
| A1005                                                                                       | B               | EXISTING SITE & DEMOLITION                                | 12/07/12    |
| A1006                                                                                       | B               | PROPOSED SITE OVERVIEW                                    | 12/07/12    |
| A2200                                                                                       | B               | PLAN – LOWER GROUND                                       | 12/07/12    |
| A2201                                                                                       | B               | PLAN – UPPER CARPARK LEVEL                                | 12/07/12    |
| A2202                                                                                       | B               | PLAN – GROUND FLOOR                                       | 12/07/12    |
| A2203                                                                                       | B               | PLAN – MEZZANINE                                          | 12/07/12    |
| A2204                                                                                       | B               | PLAN – LEVEL 01                                           | 12/07/12    |
| A2205                                                                                       | B               | PLAN – LEVEL 02                                           | 12/07/12    |
| A2206                                                                                       | B               | PLAN – LEVEL 03                                           | 12/07/12    |
| A2207                                                                                       | C               | PLAN – LEVEL 04                                           | 12/07/12    |
| A2208                                                                                       | B               | PLAN – LEVEL 05                                           | 12/07/12    |
| A2209                                                                                       | B               | PLAN – ROOF                                               | 12/07/12    |
| A2210                                                                                       | A               | PLAN – BASEMENTN                                          | 22/08/12    |
| A3000                                                                                       | C               | RENDERED ELEVATIONS – ABERCROMBIE STREET                  | 12/07/12    |
| A3001                                                                                       | C               | RENDERED ELEVATIONS – CODRINGTON STREET & DARLINGTON LANE | 12/07/12    |
| A3002                                                                                       | C               | RENDERED ELEVATIONS – WEST ELEVATION FACING SCHOOL        | 12/07/12    |
| A3100                                                                                       | B               | SECTIONS A & B                                            | 12/07/12    |
| A3101                                                                                       | B               | SECTIONS C & D                                            | 12/07/12    |
| A9000                                                                                       | C               | FINISHES – MATERIALS / USBS                               | 12/07/12    |
| A9001                                                                                       | B               | FINISHES – MATERIALS / STUDENT HOUSING                    | 12/07/12    |
| 4001_DA01                                                                                   | D               | GROUND FLOOR PLAN                                         | 12/07/12    |
| 4001_DA02                                                                                   | D               | LEVEL 1 PLAN                                              | 12/07/12    |
| 4001_DA03                                                                                   | D               | LEVEL 2 PLAN                                              | 12/07/12    |
| 4001_DA04                                                                                   | D               | LEVEL 3 PLAN                                              | 12/07/12    |
| 4001_DA05                                                                                   | D               | LEVEL 4 PLAN                                              | 12/07/12    |
| 4001_DA07                                                                                   | C               | ELEVATIONS                                                | 11/05/12    |
| 4001_DA08                                                                                   | C               | SECTIONS                                                  | 12/07/12    |
| 4001_DA10                                                                                   | A               | BASEMENT PLAN                                             | 13/07/12    |
| <b>Landscape Drawings prepared by <i>McGREGOR COXALL</i></b>                                |                 |                                                           |             |
| <b>Drawing No.</b>                                                                          | <b>Revision</b> | <b>Name of Plan</b>                                       | <b>Date</b> |
| BUS-LAN-DRG-0002-02                                                                         | B               | LANDSCAPE PHILOSOPHY AND SITE                             | UNDATED     |

|                     |   |                      |         |
|---------------------|---|----------------------|---------|
|                     |   | PROGRAM              |         |
| BUS-LAN-DRG-0003-03 | C | LANDSCAPE MASTERPLAN | UNDATED |
| BUS-LAN-DRG-0004-02 | B | LANDSCAPE ROOFPLAN   | UNDATED |

### **Inconsistency between documents**

- A3. If there is any inconsistency between the plans and documentation referred to above and the Statement of Commitments in Schedule 3, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Development Expenses**

- A4. It is the responsibility of the Proponent to meet all expenses incurred in undertaking the project, including expenses incurred in complying with conditions imposed under this approval.

### **Limits of Approval**

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

### **Café Use – Separate DA Required**

- A6. A separate development application for the fitout and use of the cafe must be submitted to and approved by council prior to that fitout or use commencing.

### **Development Levy Contributions – Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006**

- A7. In accordance with Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006, the applicant shall pay the following monetary contributions:

- (a) Amount of Contribution

| Contribution Category | Rate of Contribution | Amount      |
|-----------------------|----------------------|-------------|
| Affordable Housing    | \$59 per sqm of GFA* | \$1,662,620 |

\*excluding student accommodation building GFA

- (b) Timing and Method of Payment

- (i) The contribution shall be paid in the form of cash or bank cheque, made out to Sydney Metropolitan Development Authority.
- (ii) Evidence of the payment to Sydney Metropolitan Development Authority shall be submitted to the PCA prior to the issue of the certification of Crown Building works for above ground works.

- (c) Indexing

- (i) The contributions will be adjusted in accordance with the requirements of the Redfern Waterloo Authority Affordable Housing Contributions Plan, available for viewing at: <http://www.smda.nsw.gov.au/precincts/redfern-waterloo-precinct>

### **Development Levy Contributions - Redfern-Waterloo Authority Contributions Plan 2006**

- A8. In accordance with Redfern-Waterloo Authority Contributions Plan 2006, the proponent shall pay the following development contribution levy:

- (a) Amount of Contribution

- (i) \$2,836,380

- (b) Timing and Method of Payment

- (i) The contribution shall be paid in the form of cash or bank cheque, made out to Sydney Metropolitan Development Authority.
- (ii) Evidence of the payment to Sydney Metropolitan Development Authority shall be submitted to the prior to the issue of the certification of Crown Building works for above ground works.

- (c) Indexing
  - (i) The contributions will be adjusted in accordance with the requirements of the Redfern Waterloo Authority Contributions Plan, available for viewing at:  
<http://www.smda.nsw.gov.au/precincts/redfern-waterloo-precinct>

### **Prescribed Conditions**

- A9. The Proponent shall comply with all relevant prescribed conditions of development approval under Part 6, Division 8A of the Regulation.

### **Long Service Levy**

- A10. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **Road Closure – Section 34 Application**

- A11. A separate application is to be made by the University of Sydney for the closures of Rose Street and Boundary Lane (both west of Codrington Street), pursuant to Section 34 of the *Roads Act 1993*, and the subsequent acquisition/ownership of the land by the University of Sydney in fee simple. The road closure is to be completed and the Titles of the affected lands are to be issued in the name of the university prior to the commencement of any work within the closed roads.

### **Dedication of Splay**

- A12. The owner must dedicate for road purposes, free of cost to council, a 2.5 m by 2.5 m splay at the intersection of Codrington Street and Darlington Lane, to be detailed in a plan of subdivision/consolidation of the land. This plan must be registered at the Land and Property Information Office within 12 months of occupation or commencement of use.

### **Legal notices**

- A13. Any advice or notice to the approval authority shall be served on the Director-General.

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## **PART B – PRIOR TO CERTIFICATION OF CROWN BUILDING WORKS**

### **Remediation**

- B1. Remediation approved as part of this development consent shall be carried out in accordance with *Remedial Action Plan, Abercrombie Precinct Redevelopment, Darlington NSW*, dated 24 September 2012 and prepared by WSP Environment & Energy. A site audit must be carried out by a site auditor prior to the commencement of remediation works.
- B2. Upon completion of the remediation works on the subject site, the proponent shall submit a site audit report and site audit statement prepared by an EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to occupation of the building.

Note:

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

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

The current guidelines under section 145C of the EP&A Act are the guidelines *Managing Land Contamination, Planning Guidelines, SEPP 55 Remediation of Land*.

## Design Modifications

B3. In order to minimise overshadowing and amenity impacts on Mandelbaum House, the design of the business school building shall be amended as follows:

- (a) the level 5 rooftop plant of the business school building, located immediately behind Mandelbaum House, is to be relocated to a central position on the level 4 rooftop between the lift machine room and cooling towers.
- (b) the ceramic louvres of the business school building façade immediately adjacent to Mandelbaum House, are to be fixed to minimise overlooking privacy impacts on the adjacent residential college.

Details shall be submitted to and approved by the Director General or his nominee prior to the certification of Crown Building Works for above ground works.

## Physical Models

B4.

- (a) Prior to the certification of Crown Building works, an accurate 1:500 scale model of the approved development must be submitted to council for the City Model in Town Hall House; and
- (b) Prior to occupation or commencement of use, an accurate 1:500 scale model of the development as constructed must also be submitted to council for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparationandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparationandLodgingaDA.asp). Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the project approval.
- (iii) The models must be amended to reflect any further modifications to the approval that affect the external appearance of the building.

## Submission of Electronic Models

B5.

- (a) Prior to the certification of Crown Building works, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to council for the electronic City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) property boundaries and the kerb lines adjacent to the site.

The data is to be submitted as a DGN or DWG file on physical media (CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) Within the DGN or DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at

[www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the project approval.

- (e) Prior to occupation or commencement of use, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval that affect the location of any of the underground services or structures and/or external configuration of building above ground.

## **Heritage Interpretation Strategy**

B6.

- (a) An interpretation strategy for the site and archaeological features must be submitted to and approved by council prior to the certification of Crown Building works.
- (b) The interpretation strategy must detail how information on the history and significance of the site and archaeological features will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The strategy must detail:
  - (i) The site prior to non indigenous occupation.
  - (ii) Interpretation of the Victorian street pattern, including the street names being incorporated into the new development.
  - (iii) The interpretation of any significant archaeological features should be included in the proposal. Of particular potential for interpretation,, is the southeastern corner of the site (Archaeological Area 8) which has potential for the remains of a shop at the corner of Abercrombie and Codrington Streets and for deposits along the line of Black wattle Creek that may require further detailed archaeological excavation. Evidence of the shop and Blackwattle Swamp Creek should be included in the landscape design of open space on the corner of Abercrombie and Codrington Streets.
  - (iv) Interpretation of other archaeological findings other than the remains of the former shop including the remains of any other terrace houses. As these may be in the area proposed for open space, interpretation such as retention of footings is feasible.
  - (v) Elements such as any evidences of the historic street alignments and subdivision pattern such as stone kerbs, foundation walls, fences, etc. contribute to the significance of the area.
  - (vi) The Joinery Shop building and early use of the area by the university.
- (c) Prior to occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of council.

## **Ecologically Sustainable Development**

- B7. The project shall identify all design, operational and construction measures required to target a minimum 5 star green star rating. Details are to be clearly identified in relevant construction plans and construction management plans.
- B8. All outdoor lighting 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 certification of Crown Building works for above ground works.

### **Outdoor Lighting**

B9. All outdoor lighting shall be designed to comply with, where relevant, AS/NZ1158.3.1: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

### **Access for People with Disabilities**

B10. 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 relevant plans prior to the certification of Crown Building works.

### **Pre-Construction Dilapidation Reports**

B11. The proponent 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, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the certification of Crown Building works. A copy of the report is to be forwarded to the department and council.

### **Number of Car and Bicycle Parking Spaces**

B12. The number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the certification of Crown Building Works.

| <b>Car/Bicycle Parking allocation</b>                 | <b>Number</b> |
|-------------------------------------------------------|---------------|
| Car Parking Spaces                                    | 82            |
| Business School Building Bicycle Parking Spaces       |               |
| - Basement Spaces                                     | 52            |
| - Ground Level Spaces                                 | 195           |
| Student Accommodation Building Bicycle Parking Spaces | 31            |

B13. The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

### **Traffic and Parking Details**

B14. Plans are to identify the following traffic and parking details:

- (a) all vehicles must enter and leave the Subject Site in a forward direction;
- (b) all vehicles accessing the site, including the loading dock, are to be limited to Medium Rigid Vehicles or smaller only;
- (c) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;
- (d) pedestrian advisory signs are to be provided at the egress from the basement car park and loading dock in accordance with the recommendations provided within the PPR (as amended July 2012);
- (e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and

- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS
- (g) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

B15. Details demonstrating compliance with these requirements shall be submitted to and approved by the Director General or his nominee prior to the certification of Crown Building works.

#### **Location of Accessible Car Parking Spaces**

B16. Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts.

#### **Changes to Kerb Side Parking Restrictions**

B17. A separate submission must be made to the Sydney Traffic Operations Unit seeking council's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the changes to sign posting will be at no cost to council.

B18. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

#### **Mechanical Ventilation**

B19. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the certification of Crown Building works for above ground works.

#### **Stormwater & Drainage**

B20. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of council shall be submitted to the certifier prior to the certification of Crown Building works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

#### **Erosion and Sedimentation Control**

B21. 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 certification of Crown Building works.

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

B22. 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 certification of Crown Building works.

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

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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## **PART C – PRIOR TO COMMENCEMENT OF WORKS**

### **Acoustic Fence**

- C1. To minimise adverse noise impacts generated by demolition and construction works, 2 m high acoustic barriers are to be installed along the western boundary adjacent to Darlington Public School and around Boundary Lane Childcare Centre and Mandelbaum House prior to the commencement of demolition works. The acoustic barrier is to remain erected until such time as noise generated by construction works is no longer assessed as being adverse or intrusive.

The acoustic barrier must be constructed of a material with a minimum surface density of 12 kg/m<sup>2</sup> (e.g. 25 mm thick timber or two layers of 0.6 mm thick typical steel fencing material).

### **Demolition**

- C2. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **Asbestos Removal**

- C3. All demolition works involving the removal and disposal of asbestos cement 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 National Occupational Health and Safety Commission (NOHSC): “Code of Practice for the Safe Removal of Asbestos” and the City of Sydney Asbestos Policy.

### **Asbestos Removal Signage**

- C4. Standard commercially manufactured signs containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

### **Classification of Waste**

- C5. Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **Disposal of Asbestos**

- C6. Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

### **Notification of Asbestos Removal**

- C7. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

### **Prohibition of Asbestos Re-use**

- C8. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

### **Excavation Works**

- C9. The PCA and council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

### **Structural Details**

- C10. Prior to the commencement of construction, the proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (a) the relevant clauses of the BCA
- (b) the development approval.

### **Construction Environmental Management Plan**

- C11. Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the department.

- (a) The CEMP shall address, but not be limited to, the following matters where relevant:
  - (i) site specific management of demolition and construction works adjacent to Darlington Public School, Boundary Lane Childcare Centre and Mandelbaum House
  - (ii) hours of work
  - (iii) 24 hour contact details of site manager
  - (iv) traffic management
  - (v) construction noise and vibration management, including details relating to the respite periods from activities likely to create high levels of noise and vibration
  - (vi) management of dust to protect the amenity of the neighbourhood
  - (vii) erosion and sediment control
  - (viii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site
  - (ix) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) The CEMP must not include works that have not been explicitly approved in the development approval. In the event of any inconsistency between the approval and the CEMP, the approval shall prevail.
- (c) The proponent shall submit a copy of the CEMP to the PCA and council, prior to commencement of work.

### **Noise Management Plan – Demolition, Excavation and Construction**

- C12. Prior to the commencement of any works on the subject site, a site specific noise management plan shall be submitted to the department for approval and comment prior to any works commencing on site and complied with during any demolition and construction works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society,

Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:

- (a) Confirmation of the level of community consultation that has, is and will be undertaken the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during demolition and construction works at neighbouring noise sensitive properties in order to keep complaints to a minimum 12 and to ensure that noise from site works complies with the noise criteria contained within the *Abercrombie Precinct Redevelopment Project Noise Impact Assessment*, dated 2 April 2012 and prepared by Marshall Day Acoustics.
- (c) Course of action to be undertaken following receipt of a complaint concerning site noise, dust and vibration.
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

#### **Waste Management Plan during construction**

C13. Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:

- (a) minimising waste in construction
- (b) reuse and recycling of demolition materials including concrete
- (c) storage, control and removal of construction waste
- (d) removal of hazardous materials and disposal to 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.

C14. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

#### **Traffic & Pedestrian Management Plan**

C15. Prior to the commencement of any works on the subject site, a Traffic and Pedestrian Management Plan, prepared by a suitably qualified person, shall be submitted to the PCA. The Plan must be prepared in consultation with council. The Plan shall address, but not be limited to, the following matters:

- (a) ingress and egress of vehicles to the Subject Site
- (b) loading and unloading, including construction zones
- (c) predicted traffic volumes, types of vehicles, routes, and the times vehicles are likely to be accessing the site
- (d) pedestrian and traffic management methods, including access arrangements
- (e) changes to on-street parking restrictions on roads

- (f) management of car parking demand during construction including preparation and distribution of a Travel Access Guide.

C16. The proponent shall submit a copy of the final Plan to the department, prior to the commencement of work.

#### **Traffic Works**

C17. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and agreed by the Sydney Traffic Committee prior to any work commencing on site.

#### **Utility Services**

C18. Prior to the commencement of work the proponent is to negotiate with the utility authorities (e.g. Ausgrid) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

#### **Contact Telephone Number**

C19. The proponent shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to council and the department prior to commencement of works.

#### **Haulage Routes**

C20. The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage, if required. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

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### **PART D – DURING CONSTRUCTION**

#### **Ecologically Sustainable Development**

D1. The project shall implement all construction measures to target a minimum 5 star green star rating

#### **Erosion and Sediment Control**

D2. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

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

D3. Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by council.

#### **Approved Plans to be On-site**

D4. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the department, council or the PCA.

#### **Site Notice**

D5. A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.

D6. The site notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
- (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- (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 Subject Site is not permitted.

### **Vehicle Footway Crossing**

- D7. A separate application is to be made to, and approved by, council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to occupation or commencement of use.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

### **Protection of Trees**

- D8. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the council.

D9.

- (a) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.
- (b) Before the commencement of works, a/the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

#### **TPZ Schedule**

| <b>Tree No.</b> | <b>Species Name</b>                            | <b>Location</b>                                                                      | <b>Radius (m) from trunk</b> |
|-----------------|------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------|
| 1x              | <i>Eucalyptus saligna</i><br>(Sydney Blue Gum) | Eastern end of the block bounded by Rose Street, Codrington Street and Boundary Lane | 12 m                         |
| 6x              | <i>Flindersia australis</i><br>(Crow's Ash)    | Adjacent to the western elevation of Mandelbaum House                                | 4 m                          |

### **Re-use of Traditional Kerb Materials**

- D10. The development should retain existing fabric in situ. Where this is not possible, and with the approval of the consent authority, material should be stored for future re-use and the new crossing must be constructed in stone of width to match the width of the stone kerb and gutter. The type of stone is to match that of the adjacent kerb stones.

## Hours of Work

D11. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:

- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive
- (b) between 8:00 am and 3:00 pm, Saturdays
- (c) no work on Sundays and public holidays
- (d) works may be undertaken outside these hours where:
  - (i) the delivery of materials is required outside these hours by the Police or other authorities
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
  - (iii) variation is approved in advance in writing by the Director General or his nominee.

## Construction Noise Management

D12.

- (a) The construction noise objective for the Project is to manage noise from construction activities so it does not exceed the requirements of the EPA *Interim construction noise guidelines*.
- (b) Background noise levels are those identified in Environmental Assessment or otherwise identified. The proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (c) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by the Director-General.
- (d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- (e) The proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
  - (i) 9.00 am to 12.00 pm, Monday to Friday
  - (ii) 2.00 pm to 5.00 pm Monday to Friday
  - (iii) 9.00 am to 12.00 pm, Saturday.
- (f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by the Director-General.

D13. 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.

## Vibration Criteria

D14. Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural vibration – Effects of vibration on structures
- (b) for human exposure to vibration, the evaluation criteria presented in the EPA Interim Construction Noise Guideline
- (c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above

- (d) limits in D12 and D13 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan.

### **Standards and Codes**

D15. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

### **Work Cover Requirements**

D16. 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.

### **Hoarding Requirements**

D17. The following hoarding requirements shall be complied with:

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

### **No Obstruction of Public Way**

D18. The public way (outside of any construction works zone) 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 relevant Authority to stop all work on site.

### **Dust Control Measures**

D19. Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The proponent is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

### **Pedestrian Access During Construction**

D20. Pedestrian access along Abercrombie Street and Codrington Street is to be maintained as far as feasible throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

### **Setting Out of Structures**

D21. The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

### **Directional Signage**

D22. Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area. Particular attention is to be paid to:

- (a) wheelchair accessible paths of travel
- (b) safe road crossing areas including signalised and other designated crossings;
- (c) key landmarks
- (d) access to transport nodes including public transport
- (e) the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

### **Traffic Movement**

D23. The following traffic movement requirements shall be complied with:

- (a) all loading and unloading associated with works must occur on site or within a designated construction zone
- (b) all vehicles must enter and leave the site in a forward direction, where feasible. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing
- (c) the cost of all traffic management works shall be borne by the proponent
- (d) no trucks associated with the approved works are permitted to park or stand on public roadways
- (e) gates shall be closed between vehicle movements
- (f) movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods
- (g) the Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Maritime Services' General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2009.

### **Excavated Material**

D24. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Department of Environment and Conservation's *Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes*.

D25. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to council and the Principal Certifying Authority.

### **Imported Fill**

D26. Any imported fill brought onto the site must be validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

### **Compliance Report**

D27. The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

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## **PART E – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **Water Authority Compliance Certificate**

E1 Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the certifying authority showing that the development has met with the detailed requirements of the relevant water supply authority.

### **Consolidation of lots**

- E2 Within 12 months of occupation, the lots which form the subject site are to be consolidated. Evidence of the consolidation shall be provided to the satisfaction of the Certifying Authority prior to the issue of the subdivision certificate.

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## **PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Workplace Travel Plan and Travel Access Guide**

- F1. Prior to the operation of the facilities the subject of this approval, a Workplace Travel Plan and Transport Access Guides shall be prepared for staff, visitors and students and submitted to the satisfaction of Certifying Authority.

### **Treatment of Vehicular Entry**

- F2. In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

### **Signs at Egress**

- F3. To ensure that the safety of pedestrians is maintained, the following signs must be provided and maintained within the site at the point of vehicle egress:
- (a) compelling drivers to stop before proceeding onto the public way
  - (b) compelling drivers to “Give Way to Pedestrians” before crossing the footway.

### **Mechanical Ventilation**

- F4. Following completion, installation and testing of all the mechanical ventilation systems, the proponent shall provide evidence to the satisfaction of the PCA, prior to the occupation of the building, 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 project approval and any relevant modifications
  - (d) any dispensation granted by the New South Wales Fire Brigade.

### **Road Damage**

- F5. The cost of repairing any damage caused to council's or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the proponent/developer prior to occupation of the building.

### **Registration of Easements**

- F6. Within 12 months of commencement of operation of the facilities the subject of this approval, the proponent shall provide to the PCA evidence that all matters required to be registered on title including easements required by this approval, approvals, and other approvals have been lodged for registration or registered at the NSW Land and Property Information.

### **Sydney Water Compliance**

- F7. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

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

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

#### **Fire Safety Certificate**

F8. A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation of the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and council.

#### **Structural Inspection Certificate**

F9. A Structural Inspection Certificate for any structural work is to be obtained prior to the operation of the facilities the subject of this approval.

#### **Post-construction Dilapidation Report**

F10. The proponent 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.
- The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions,
  - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- A copy of this report is to be forwarded to the department and council.

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### **PART G – DURING OPERATIONS**

#### **Ecologically Sustainable Development**

G1. The project shall implement all operational and design measures to target a minimum 5 star green star rating.

#### **Annual Fire Safety Certification**

G2. The owner of the building shall certify to the council (the responsible authority), every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

#### **Loading and Unloading**

G3. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the subject site at all times.

#### **Unobstructed Driveways and Parking Areas**

G4. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

#### **Noise Control – Operational**

G5. The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

**Noise Control – Plant and Machinery**

G6. Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the most affected location on the affected receiver's property.

**Storage of Hazardous or Toxic Material**

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

**Public Way to be Unobstructed**

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

**External Lighting**

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

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**ADVISORY NOTES****Appeals**

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

**Other Approvals and Permits**

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

**Responsibility for other approvals / agreements**

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

**Movement of Trucks Transporting Waste Material**

AN4 The proponent must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

**Temporary Structures**

AN5

- (a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- (b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

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

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN7

- (a) 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.
- (b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **Asbestos Removal**

AN8 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**

AN9 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 Proponent must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the department.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

AN10 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

AN11 If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

## SCHEDULE 3

### STATEMENT OF COMMITMENTS

| Subject                                | Commitments                                                                                                                                                                                                                                                                             | Timing                                                                            |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Design                                 | The proposed development will be constructed in accordance with the plans and documentation submitted with this Response to Submissions                                                                                                                                                 | Ongoing upon approval.                                                            |
| Subdivision                            | A final plan of subdivision and a section 88B instrument will be submitted prior to occupation of the building.                                                                                                                                                                         | Prior to issue of an Occupation Certificate (or equivalent certification)         |
| Site Contamination                     | A Remediation Action Plan will be prepared in accordance with the recommendations of the Phase II Environmental Assessment prepared by CH2MHILL and dated June 2011                                                                                                                     | Prior to issue of a Construction Certificate (or equivalent certification)        |
| Section 94 Contributions               | The payment and delivery of contributions (as relevant) will be separately negotiated with the relevant authorities, if no exemption is granted by the Minister.                                                                                                                        | Prior to issue of an initial Occupation Certificate (or equivalent certification) |
| Works at Darlington Public School      | The University will continue to work with Darlington Public School on the detailed design and location of works to be undertaken on and adjoining the school site.                                                                                                                      | Prior to issue of a Construction Certificate (or equivalent certification)        |
| Consultation with Mandelbaum House     | The University will continue to work with Mandelbaum House to address security concerns at ground level, and treatments to address concerns surrounding residents' privacy.                                                                                                             | Prior to issue of a Construction Certificate (or equivalent certification)        |
| Vehicular Access and Pedestrian Safety | The University will adopt the pedestrian safety measures outlined in Arup's statement titled 'Response to Comments from Planning NSW' and dated 11 July 2012.                                                                                                                           | Prior to issue of an Occupation Certificate (or equivalent certification)         |
| Construction Noise                     | Construction Noise will be managed in accordance with the recommendations of the Noise Impact Statement prepared by Marshall Day and dated February 2012, and the preliminary Construction Management Plan prepared by the University of Sydney and dated February 2012.                | Throughout the duration of the construction works.                                |
| Relocation of the Shepherd Centre      | The Shepherd Centre will be relocated and operational off-site, subject to negotiation of an agreement between both parties and the obligations of the lease arrangement                                                                                                                | Prior to demolition of the Shepherd Centre                                        |
| Childcare                              | A new childcare centre will be provided to replace the existing childcare centre on the site. The new childcare centre will have the same capacity as the existing centre.                                                                                                              | Prior to demolition of the existing childcare centre                              |
| Non-Indigenous Archaeology             | The recommendations put forward in the Non-Indigenous Archaeological Assessment prepared by Casey & Lowe Pty Ltd and dated November 2007 will be undertaken.                                                                                                                            | Prior to issue of a Construction Certificate (or equivalent certification)        |
| Tree Protection                        | Trees to be retained will be protected in accordance with AS4970-2009 and the recommendations of the Aborigicultural Impact Report prepared by Landscape Matrix Pty Ltd.                                                                                                                | Throughout the duration of the construction works.                                |
| Landscaping                            | The sandstone kerb on Rose Street and Boundary Lane will be inspected by Council to determine the condition and serviceability of the stone prior to commencement of any works.<br><br>The sandstone kerbing will be retained and reused on the site as part of the landscaping design. | Prior to issue of a Construction Certificate (or equivalent certification)        |
| ESD                                    | The proposed development will achieve a 5 Star Green Star rating in accordance with the recommendations of the Sustainability and ESD Planning Submission Report prepared by Cundall and dated February 2012.                                                                           | Prior to occupation of the building.                                              |
| Wind                                   | The University will undertake the wind mitigation measures outlined in the Pedestrian Wind Environment Statement prepared by Windtech and dated February 2012.                                                                                                                          | Prior to issue of a Construction Certificate (or equivalent certification)        |
| Environmental and Construction         | The following Management Plans will be issued prior to the commencement of construction:                                                                                                                                                                                                | Prior to issue of a Construction Certificate (or equivalent certification)        |

|             |                                                                                                                                                                                                                                                                                                                                                                  |                                                                            |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Management  | <p>7. Construction Traffic Management Plan</p> <p>8. Construction Management Plan</p> <p>The University will undertake noise and dust monitoring, as well as ongoing community consultation throughout the construction period in accordance with the preliminary Construction Management Plan prepared by the University of Sydney and dated February 2012.</p> | certification)                                                             |
| Flood Study | <p>The University will undertake a flood study and implement its recommendations prior to commencement of any works.</p> <p>The University will continue to work with Darlington Public School to develop an appropriate Stormwater Management Plan to protect the school building assets from stormwater discharged and flooding.</p>                           | Prior to issue of a Construction Certificate (or equivalent certification) |