

Project Approval

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

Under delegation of the Minister for Planning and Infrastructure dated 14 September 2011, I the Deputy Director-General, Development Assessment and Systems Performance determine to give approval to the project application referred to in Schedule 1, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, subject to the conditions referred to in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

- ensure the site is appropriately managed for the proposed use;
- adequately mitigate the environmental and construction impacts of the development;
- to reasonably protect the amenity of the area; and
- to protect the public interest.



Sydney 4 March, 2012

SCHEDULE 1

Application No.:	MP 09_0153
Proponent:	University of Technology, Sydney
Approval Authority:	Minister for Planning and Infrastructure
Land:	14 - 16 ULTIMO ROAD, ULTIMO Lot 1 in Deposited Plan 76938.
Project:	<p>Construction and fit out of a 12 storey educational building with basement car parking accommodating 21 car parking spaces, 155 bicycle parking spaces, one 8.5 m long medium rigid vehicle and three courier bays. The project also includes:</p> <ul style="list-style-type: none">• removal of tree numbers 1 and 2 on Ultimo Road• planting of Brush Box (<i>Liphostemon conferta</i>) and Golden Rain Trees (<i>Koelreuteria paniculata</i>) on Mary Ann Street and Omnibus Lane• asphaltting within the Council's footway• creation of pedestrian forecourt plazas on the north-western and south-eastern corners of the site fronting Mary Ann Street and Ultimo Road• provision of 22 bicycle parking spaces on the northern side of the building facing Mary Ann Street.

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
PCA	Has the same meaning as Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
CPI	Consumer Price Index
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
EA	Environmental Assessment Report titled <i>Dr Chau Chak Wing Building, University of Technology, Sydney, Environmental Assessment Report</i> , prepared by RPS and dated March 2011
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
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
Gross Floor Area	Is as defined in Sydney LEP 2005 for Ultimo-Pyrmont
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
OEH	Office of Environment and Heritage or its successors (formerly referred to as DECCW)
RTS	Response to Submissions titled <i>University of Technology, Sydney MP09_0153-Dr Chau Chak Wing Building Response to Submissions Report</i> , prepared by RPS, dated 19 October, 2011
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, and Condition A2.
Proponent	University of Technology, Sydney, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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.
Statement of Commitments	The Proponent's Statement of Commitments in Schedule 3.
Subject Site	Lot 1 in Deposited Plan 76938
Total Floor Area	15470m ²

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1 DEVELOPMENT DESCRIPTION

Except as amended by this approval, project approval is granted for the following:

- construction and fit out of a 12 storey educational building with 15470m² of GFA
- provision of 21 on-site car parking spaces, 155 bicycle spaces with associated storage facilities, three designated courier bays and one loading dock accommodating an 8.8 m long heavy rigid vehicle within the basement car park
- construction of public domain works including:
 - removal of tree numbers 1 and 2 on Ultimo Road
 - planting of Brush Box (*Liphostemon conferta*) and Golden Rain Trees (*Koelreuteria paniculata*) on Mary Ann Street and Omnibus Lane
 - asphaltting within the Council's footway
 - creation of pedestrian forecourt plazas on the north western and south eastern corners of the site fronting Mary Ann Street and Ultimo Road
 - provision of 22 bicycle parking spaces on the northern side of the building facing Mary Ann Street.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report titled <i>University of Technology, Sydney Dr Chau Chak Wing Building Environmental Assessment Report</i> prepared by RPS and dated March 2011			
Response to Submissions titled <i>University of Technology, Sydney MP09_0153 – Dr Chau Chak Wing Building Response to Submissions Report</i>, prepared by RPS, dated 19 October, 2011			
Materials and Samples Board depicted in Schedule 4			
Architectural and Landscape Plans prepared by Gehry Partners, LLP.			
Drawing No.	Issue	Name of Plan	Date
ARCHITECTURAL PLANS			
Z0-4-00	2	Model Images	10-2011
Z1-1-01	2	Vicinity Plan	10-2011
Z1-1.02	2	Site Plan	10-2011
Z2-1-01	2	Basement Floor Plan	10-2011
Z2-2-00	2	Ground Level Floor Plan	10-2011
Z2-2-01	2	First Floor Plan	10-2011
Z2-2-02	2	Second Floor Plan	10-2011
Z-2-03	2	Third Floor Plan	10-2011
Z-2-04	2	Fourth Floor Plan	10-2011
Z-2-05	2	Fifth Floor Plan	10-2011
Z-2-06	2	Sixth Floor Plan	10-2011
Z-2-07	2	Seventh Floor Plan	10-2011
Z-2-08	2	Eighth Floor Plan	10-2011
Z-2-09	2	Ninth Floor Plan	10-2011
Z-2-10	2	Tenth Floor Plan	10-2011
Z-2-11	2	Eleventh Floor Plan Plant Room Level	10-2011
Z-2-12	2	Roof Plan	10-2011

Z3-1.01	2	Full Building East Elevation	10-2011
Z3-1.02	2	Full Building West Elevation	10-2011
Z3-1.03	2	Full Building South Elevation	10-2011
Z3-1.04	2	Full Building North Elevation	10-2011
Z3-2-01	2	Longitudinal Site Sections	10-2011
Z3-2-02	2	Transversal Site Sections	10-2011
Z3-3-01	2	Full Building Section 1	10-2011
Z3-3-02	2	Full Building Section 2	10-2011
Z3-3-03	2	Full Building Section 3	10-2011
Z3-3-04	2	Full Building Section 4	10-2011
Z3-4.01	2	Enlarged Partial Building Sections Basement	10-2011
Z4-2.01	2	Exterior Wall System Enclosure Glazing	10-2011
Z4-2.02	2	Façade Protrusion Diagrams	10-2011
Z4-3-01	2	Exterior Wall Systems Brick Wall "Corbelled"	10-2011
Z5-4-01	2	Core Plans Level 1, 2, 3	10-2011
Z5-4-02	2	Core Plans Level 4, 5, 6	10-2011
Z5-4-03	2	Core Plans Level 7, 8, 9	10-2011
Z5-4-04	2	Core Plans Level 10, 11, 12	10-2011
Z7-1-01	2	Auditorium 02.05 Enlarged Plan and RCP Ground Level	10-2011
Z7-1.02	2	POSTGRAD 120 Seat CLASSRM 03.05 Enlarged Plan and RCP First Floor	10-2011
Z7-1-03	2	POSTGRAD Oval Classrooms 02.02 & 03.03 Enlarged Plans and RCPS Ground & First Flr	10-2011
Z7-1-04	2	POSTGRAD Oval Classrooms 02.02 & 03.02 Sections with Interior Elevs Ground & First Flr	10-2011
LANDSCAPE PLANS			
ZL1-1-01	2	Ground Level Landscape Plan Soft Planting	10-2011
ZL1-1.02	2	Ground Level Landscape Plan Hard Surfaces	10-2011
ZL1-1.03	2	Level 8 Landscape Plan Hard Surfaces and Planters	10-2011
ZL1-1.04	2	Typical Landscape Details	10-2011

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes, Infrastructure SEPP etc) 2008, or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and otherwise provided by the conditions of this approval.

A3 INCONSISTENCY BETWEEN DOCUMENTS

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 LAPSING OF APPROVAL

Approval of the Project Application shall lapse 5 years after the determination date unless construction work authorised by this Project Approval has physically commenced.

A5 SECTION 94 CONTRIBUTION

Pursuant to Section 94B of the *Environmental Planning and Assessment Act 1979*, the proponent shall construct the pedestrian link proposed in the EA dated March 2011, to the satisfaction of the Director-General prior to the issue of the final Occupation Certificate.

In the event that the pedestrian link is not constructed prior to the commencement of the use of the building, the proponent must install a pedestrian crossing at the Ultimo Road/Darling Drive intersection. Details of the pedestrian crossing must be approved by the RTA prior to its construction.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE/S

B1 PRE-CONSTRUCTION DILAPIDATION REPORTS

The Proponent is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjacent infrastructure, including the Ultimo rail bridge and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate. A copy of the report is to be forwarded to the Director-General, the Council and the RTA.

Note: The recording shall include photographic recording of the public domain site frontages as per the Council's specifications.

B2 COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

Details shall be provided to the satisfaction of the Certifying Authority, with the application of a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the BCA.

B3 STRUCTURAL DETAILS

Prior to the issue of a the relevant Construction Certificate, the proponent shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA
- (2) the relevant project approval
- (3) drawings and specifications comprising the Construction Certificate
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B4 MECHANICAL VENTILATION

The air discharge point of the mechanical ventilation associated with the operation of the ground floor café shall be 3 m above the roof in accordance with the requirements of section 3.7.3 of AS1668.2 1991. Detailed plans demonstrating compliance with the requirements of AS1668.2 1991 shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B5 DISABLED ACCESS

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA Access Policy. The public domain elements must be designed and constructed to provide access to facilities for people with a disability in accordance with the BCA and relevant Australian Standards (including amendments). Full details of paths, proposed handrails, tactile ground indicators, ramps and a certificate certifying compliance with this condition from an appropriately qualified person are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B6 ALIGNMENT LEVELS

Prior to the issue of the relevant Construction Certificate, footpath alignment levels for the development must be submitted to the Certifying Authority. This submission must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

These alignment levels are then to be incorporated into the plans submitted with the application for the relevant Construction Certificate.

B7 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to the issue of the first Construction Certificate, a Construction Traffic Management Plan is required to adequately address the internal management of vehicles within the site to avoid conflicts between pedestrians and public vehicle movements. The Construction Traffic Management Plan must be prepared in consultation with the RMS and Council, and approved by the Certifying Authority.

B8 CHANGES TO KERBSIDE PARKING RESTRICTIONS

Prior to the issue of the relevant Construction Certificate, a separate submission must be made to the relevant road authority for approval for any changes to kerbside parking arrangements

B9 NUMBER OF PARKING SPACES

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 issue of the relevant Construction Certificate.

Car parking allocation	Number
Car Parking Spaces	21, of which one is to be for persons with a

	disability
Service Vehicle/Courier Parking Spaces	One bay for medium rigid vehicles no longer than 8.8 m and three bays for courier vans
Bicycle spaces	A minimum of 155 bays within the basement car park and 22 within the northern pedestrian forecourt.
CCTV	CCTV cameras are to be installed in all bicycle storage areas. The location of CCTV cameras should be consistent with the Council's <i>Draft Sydney Development Control Plan 2011</i> .

B10 FACILITIES FOR CYCLISTS

The number of storage and change room facilities shall comply with the table below. Details confirming the installation of these facilities shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificates an occupation of the building.

Facility	Number
Lockers	A minimum of 100 class 2 lockers must be provided within the basement car park. 200 class 2 lockers must be provided throughout the building.
Change rooms	Three male, 3 female, and 1 unisex change room must be provided in the basement car park.
Showers	A minimum of 9 showers must be provided within the basement car park. An additional shower must be accommodated within the building.

B11 CAR PARKING SPACES AND DIMENSIONS

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard *AS/NZS 2890.1 – 2004 Parking Facilities Part 1: Off-street car parking*, *AS 2890.6-2009* and Council's Development Control Plan. The details must be submitted to and approved by the Certifying Authority prior the issue of the relevant Construction Certificate.

Note: *The internal aisle ways are required to be marked with pavement arrows to direct vehicular and bicycle movements in and out of the site and guide traffic circulation throughout the car park.*

B12 SERVICE VEHICLES

The design, layout signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of *Australian Standard AS 2890.2 – 2002 Off Street Parking Part 2: Commercial Vehicle Facilities*. Drawings depicting compliance with the above must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B13 MAINTENANCE OF SIGHT LINES

Clear sight lines shall be provided at the property boundary to ensure adequate visibility between vehicles leaving the car park along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.

B14 VEHICLE FOOTWAY CROSSING

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 an existing crossing prior to the issue of the relevant Construction Certificate.

B15 SIGNPOSTING AND ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system, footway and signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer. The new road works shall be designed and constructed in accordance with the Council's Development Specification for Civil Works Design and Construction standard and the RMS's requirements.

B16 SECURITY GATES

Details demonstrating that all car park security gates are set back at least 6 metres from the property boundary are to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B17 STORM WATER AND DRAINAGE

- (1) prior to the first Construction Certificate being issued, details of any proposed storm water disposal and drainage from the development including a system of on-site storm water detention (if required) and details of the provision and maintenance of overland flow paths must be submitted to the Certifying Authority. All details for the disposal of storm water and drainage are to be implemented in the development.
- (2) any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, if required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.
- (3) the requirements of Sydney Water with regard to the on site detention of storm water, if required, must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention, if required, must be submitted prior to the relevant Construction Certificate being issued.
- (4) where relevant, an "Application for Approval of Storm Water Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of storm water to the Council's drainage system.

B18 WASTE MANAGEMENT DURING CONSTRUCTION

A Waste Management Plan prepared by a suitably qualified person shall be submitted to, and approved by, the Certifying Authority prior to the issue of a Construction Certificate.

B19 STORAGE AND HANDLING OF WASTE

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney Development Control Plan. Details are to be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

B20 FINAL PUBLIC DOMAIN PLAN

A Final Public Domain Plan must be prepared by an architect, urban designer or landscape architect in consultation with Council's Public Domain Section, and to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate. The Public Domain Plan is to detail:

- (1) the proposed integration and links between the subject site and the Ultimo Pedestrian Network
- (2) location of all street trees, lighting poles and CCTV
- (3) the location and specification for all fixed and movable furniture within the public domain.

Note: The Final Public Domain Plan must include the installation of lighting and CCTV along Omnibus Lane. In addition, all lighting within the public domain must be consistent with the requirements of the *City of Sydney Exterior Lighting Strategy*.

B21 PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

Prior to the issue of the relevant Construction Certificate, a set of hold points for the approved public domain and civil construction work is to be agreed to with the Council's Public Domain Team. Evidence of the final agreement with Council is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Note: All hold point inspections must be undertaken in accordance with the final agreement.

B22 OUTDOOR LIGHTING

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 issue of the relevant Construction Certificate.

B23 TREE MANAGEMENT PLAN

A Tree Management Plan (TMP) is to be prepared in consultation with Council by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework (AQF). The TMP is to be submitted to the Certifying Authority for approval, prior to the issue of the first Construction Certificate.

B24 REFLECTIVITY

Total reflectivity of glazing on the proposed building shall not exceed 20 per cent as recommended in the Reflectivity Study prepared by Arup and dated September 2011. Documentation certifying that the final glazing treatments will not exceed 20 per cent

reflectivity must be submitted to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate for above ground works.

B25 INTERMITTENT SURCHARGE

Prior to the issue of the relevant Construction Certificate, the Proponent must provide the Certifying Authority with a report from an appropriately qualified consultant that the building will have the ability to withstand intermittent surcharge loads from passing rail traffic.

B26 WIND MITIGATION MEASURES

Wind mitigation measures for the outdoor seating area on the first floor of the building shall be provided in accordance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech and dated 9 February 2011. Details demonstrating compliance with the above must be submitted to the satisfaction of the Certifying Authority, prior to the issue of the first Construction Certificate for above ground works.

B27 FLOOD MITIGATION MEASURES

The finished floor levels of the car park entrance along Ultimo Road, and the ground floor of the building shall be no lower than RL 5.180 and RL 4.670 as per the recommendations of the Flood Risk Assessment prepared by ARUP and dated 17 October 2011. In addition, the final plans must include the installation of a hydraulically operated flood gate to the basement car park. Details demonstrating compliance with the abovementioned requirements must be provided to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate.

B28 FITOUT OF FOOD PREMISES

Detailed plans of the kitchen, bar, food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003*. In addition the plans must comply with *AS 4674 - Design, Construction and Fitout of Food Premises* and the BCA. Evidence that the Council is satisfied that the plans comply with the abovementioned requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B29 DESIGN OF PEDESTRIAN LINK

The proponent shall provide details of the final design of the Ultimo Pedestrian Network pedestrian link to the satisfaction of the Director-General, prior to the issue of the relevant Construction Certificate.

Note: The final design of the pedestrian link should be undertaken in consultation with SHFA and the council.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of works, the Proponent must prepare and submit a Construction Environmental Management Plan (CEMP) to the Certifying Authority for approval, and referring a copy to the Council for information.

C2 EROSION AND SEDIMENTATION CONTROL

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Storm water – Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the Certifying Authority prior to construction and are to remain in place for the duration of works on site.

C3 NOISE MANAGEMENT AND VIBRATION MANAGEMENT PLAN

A Noise and Vibration Management Plan shall be submitted to the Certifying Authority for approval prior to any work commencing on site and shall be complied with during any 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.

C4 UTILITY SERVICES

Prior to commencement of work, the location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and the following documents must be submitted to and approved by the Certifying Authority and a copy to the relevant road authority:

- (1) structural drawings and certification as prescribed elsewhere in this approval
- (2) geotechnical report and certification as prescribed elsewhere in this approval.

C5 NOTICE TO BE GIVEN PRIOR TO WORKS

The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of works on the site.

C6 CONTACT TELEPHONE NUMBER

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C7 HOARDINGS

- (1) 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 place 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.
- (2) 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.

C8 BARRICADE PERMIT

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 lodged with the relevant road authority prior to the commencement of work. Details of barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

C9 PAVING MATERIALS

The surface of any materials used for the paving of thoroughfares or plazas which are used by the public must comply with *AS/NZS 4586: 2004 Slip Resistance Classification of New Pedestrian Surface Materials* (as amended).

C10 TREE PROTECTION ZONE

Prior to the commencement of works, a Tree Protection Zone (TPZ) must be established and retained within a radius of no less than 5.7 metres from the trunk of tree No. 3. Tree protection measures must be installed and maintained in accordance with *AS 4970 Protection of Trees on Development Sites*.

C11 SYDNEY WATER NOTICE OF REQUIREMENTS

Prior to the commencement of works, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Certifying Authority.

C12 SITE REMEDIATION

Following the completion of remediation works covered under development approval D/2011/882, and prior to the commencement of works, a Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, must be submitted to the Director-General and the Council.

PART D - DURING CONSTRUCTION

D1 HOURS OF WORK

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

- (1) between 7:30 am and 5:30 pm, Mondays to Fridays inclusive;
- (2) between 7:30 am and 3:30 pm, Saturdays;
- (3) no work is to take place on Sundays and public holidays, unless otherwise approved by the Director-General.

Work outside these hours is not permitted except as explicitly specified below or in other conditions and include:

- (1) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (2) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm.

D2 APPROVED PLANS TO BE ON SITE

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, the Council, or other relevant authority and the Certifying Authority.

D3 SITE NOTICE

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:

- (1) 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
- (2) the notice is to be durable and weatherproof and is to be displayed throughout the works period
- (3) 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
- (4) 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.

D4 LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (1) all loading and unloading associated with construction activity must be accommodated on site.
- (2) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks

prior to the commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site and such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (3) in addition to any works zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (4) the structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

D5 NO OBSTRUCTION OF PUBLIC WAY

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 Department to stop all works on site.

D6 EROSION AND SEDIMENT CONTROL

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.

D7 DISPOSAL OF SEEPAGE AND RAINWATER

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

D8 DUST CONTROL MEASURES

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions
- (2) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- (3) all materials shall be stored or stockpiled at the best locations
- (4) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- (5) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material
- (6) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- (7) gates shall be closed between vehicle movements and shall be fitted with shade cloth

- (8) cleaning of footpaths and roadways shall be carried out regularly.

D9 NOISE MANAGEMENT

Construction noise must be managed in accordance with the measures outlined in the Noise Impact Assessment dated 8 February 2011, and the Addendum to the Dr Chau Chak Wing Building Noise Impact Assessment dated 27 July 2011, and prepared by Marshall Day Acoustics.

D10 VIBRATION CRITERIA

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

- (1) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structures*
- (2) 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.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D11 WASTE

The Proponent must ensure that all waste generated on site during construction and operation is classified in accordance with OEH's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept waste.

D12 WASTE MANAGEMENT PLAN

For the duration of the works waste must be managed in accordance with the approved Waste Management Plan.

D13 PROTECTION OF STREET TREES

All street trees shall be protected at all times during construction. In the event that any tree on the footpath is damaged or removed during construction it shall be replaced to the satisfaction of the relevant authority.

No trenching works for services/hydraulics/drainage shall be undertaken within the TPZ. In this regard, alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40 mm in diameter are encountered during the installation of any services adjacent to the TPZ.

D14 STREET TREE PLANTING

All street trees identified in the final public domain plan are to be planted by a qualified Arborist or Horticulturalist (AQF Level 3). All tree pits must be inspected by Council's Contract Co-ordinator – Street Trees before and after planting.

D15 PRESERVATION OF SURVEY MARKERS

All works in Council streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least 48 hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark, contact must be made with the Council's Project Manager Survey/ Design Services to arrange for the recovery of the mark.

Note: A fee will apply for the replacement of any permanent survey mark removed or damaged in accordance with the Council's Schedule of Fees and Charges.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 POST CONSTRUCTION DILAPIDATION REPORT

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure, including the Ultimo rail bridge, and roads.

Note: The recording shall include photographic recording of the public domain site frontages as per the Council's specifications.

- (2) 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:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B17, and
 - (b) 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 Director-General and Council.

E2 ROAD DAMAGE

In the event that the post-construction dilapidation report identified damage to the infrastructure identified in Condition E1, the cost of repairing any damage caused to Council 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 the issue of the final Occupation Certificate.

Note: *Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

E3 STRUCTURAL INSPECTION CERTIFICATE

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings shall be submitted to the Department and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works comply with the final design drawings
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E4 FIRE SAFETY CERTIFICATE

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Certifying Authority.

E5 MECHANICAL VENTILATION

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the Certifying Authority that the installation and performance of the mechanical systems complies with:

- (1) the Building Code of Australia
 - (2) Australian Standard AS1668 and other relevant codes
 - (3) the development approval and any relevant modifications
 - (4) any dispensation granted by the New South Wales Fire Brigade.
- prior to the issue of an Occupation Certificate.

E6 ENGINE AND GENERATOR – GAS FIRED PLANT

The power generation system must comply with the following:

- (1) the generator engine shall incorporate lean burn, low NO_x design technology. In addition, the generator shall comply with the requirements of AS 3814.2005 for industrial and commercial gas fired appliances, and emissions shall not exceed the maximum predicted pollutant concentrations specified in Table 7 of the Air Quality Impact Assessment, prepared by AECOM, and dated 24 January 2012.
- (2) a suitably qualified consultant must certify that the engine and generator has been installed in accordance with the requirements identified in (1) above. Certification shall be provided to the Director-General and the Council prior to the issue of an Occupation Certificate.
- (3) the generator shall be serviced and maintained in accordance with the requirements of AS 3814.2005.
- (4) all records of serving and maintenance shall be made available to the Director-General and the Council upon request.

E7 EMISSION MONITORING SYSTEM – GAS FIRED POWER GENERATION PLANT

A continuous emission monitoring system (CEMS) shall be installed to enable system monitoring and adjustment for optimal emission reduction, prior to the issue of an Occupation Certificate

The CEMS shall be monitored and maintained in accordance with the manufacturer's requirements and specifications.

E8 SUBMISSION OF OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Prior to the operation of the gas fired plant, the proponent shall prepare an Operational Environmental Management Plan (OEMP) to the satisfaction of the Council. The operational measures should include, but not be limited to, the following:

- (1) a log outlining:
 - (a) all maintenance works and procedures carried out on the gas fired plant, including procedures to detect leaks from plant and equipment, and any actions implemented to address breakdowns

- (b) complaints from persons at affected receivers and any measures implemented to resolve complaints
- (c) the hours of operation of the gas fired plant.

A copy of the log should be available for inspection at the site at all times.

E9 INSTALLATION OF RAINWATER TANKS

All rainwater tanks shall be installed by a licensed plumber in accordance with *AS/NZS 3500:2003* and the Council's specifications. In addition, the Proponent should obtain a permit from Sydney Water as per the *NSW Code of Practice – Plumbing and Drainage 2006* (as amended). Evidence of compliance with the abovementioned requirements shall be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.

E10 REMOVAL OF REDUNDANT CROSOVERS

All disused or redundant vehicle crossings and laybacks must be removed, and footway and kerb reinstated in accordance with Council's standards, prior to the issue of an Occupation Certificate.

E11 SIGNS AT EGRESS

The following signs must be provided within the site at the points of vehicle egress prior to the issue of an Occupation Certificate:

- (1) compelling drivers to stop before proceeding onto the public way
- (2) advising drivers that access is left in and left out only
- (3) compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

E12 STREET TREE MAINTENANCE

All street trees planted in accordance with the approved Landscape Plan and Final Public Domain Plan must be maintained by a qualified Arborist or Horticulturalist (AFQ Level 2 or 3) for a minimum period of two years commencing from the date of planting. In the event that a street tree needs to be replaced prior to the end of the two year maintenance period, the two year maintenance period will recommence after the specific street tree is replaced.

At the end of the two year maintenance period, the Proponent must obtain the written approval of the Council prior to the handover of any street trees.

E13 SYDNEY WATER COMPLIANCE CERTIFICATE

- (1) 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 then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

- (3) The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

E14 GREEN STAR RATING

Prior to the issue of the final Occupation Certificate, certification is to be provided from the Green Building Council of Australia, and the Office of Environment and Heritage, to the satisfaction of the Certifying Authority, that the development achieves a 5 star Green Star Rating as specified in the ESD Strategies Report prepared by AECOM and dated 4 February 2011.

E15 FINAL INSPECTION (FOOD PREMISES)

A final site inspection relating to the works carried out on the premises must be arranged by the applicant and must be undertaken by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the applicants' suggested appointment time.

PART F - POST OCCUPATION

F1 ANNUAL FIRE SAFETY CERTIFICATION

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

F2 LOADING AND UNLOADING

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times and must not obstruct other properties/units or the public way.

F3 SERVICE VEHICLE SIZE LIMIT

Service vehicles in excess of 8.8 metres are not permitted to enter the basement car park.

F4 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

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.

F5 ACCESSIBLE CAR PARKING SPACES

At all times disabled car parking spaces shall be provided for persons with a disability. At no time shall the proponent or anyone acting on this approval, lease or sublease for use a disabled car parking space unless it is for a person with a disability.

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably undercover.

F6 NOISE – GENERAL

- (1) The LAeq 15 minutes noise level emitted from the use may not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00 am and 12.00am when assessed against at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with the *Australian Standard AS 1055*.
- (2) The LAeq 15 minutes noise level emitted from the use may not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00am and 7.00 am when assessed against at the boundary of any affected receiver. The background noise level must be

measured in the absence of noise emitted from the use in accordance with the *Australian Standard AS 1055*.

- (3) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

F7 NOISE CONTROL – PLANT AND EQUIPMENT

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

- (1) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (2) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of assessment of vibration being carried out in accordance with "Assessing Vibration; Technical Guidelines" – DEC (EPA) and AS1055 for sound level measurements.

F8 NO SPEAKERS/MUSIC OUTSIDE

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premise, including the public domain.

F9 USE OF OUTDOOR TERRACE

Use of the outdoor terrace is not permitted between 10:00 pm and 7:00 am 7 days-per-week.

F10 ENGINE SPECIFICATION – GAS FIRED POWER GENERATION PLANT

Approval for power generation is restricted to one 323 kW gas engine generators located on the roof top of the approved building, as indicated on the approved drawings.

F11 ATMOSPHERIC DISCHARGE AND EMISSION POINTS

Atmospheric discharges and emission points for the gas fired power generation plant must comply with the following:

- (1) minimum exhaust temperature: 120^o Celsius
- (2) maximum stack diameter: 0.23 m
- (3) minimum exit velocity: 15 m/s
- (4) maximum stack height: RL 58.4

F12 FUEL BURNING

Fuel burnt in the gas fired power generator engine must only be reticulated natural gas.

F13 COMMISSIONING EMISSION MONITORING-GAS FIRED POWER PLANT

Within 1 month of commissioning the engine and emission control equipment, air emission monitoring and recording by an appropriately qualified consultant shall be conducted on the exhaust stack. The monitoring must include emission velocity, flow, rate, temperature, water vapour concentration and NO_x.

An initial commissioning report, prepared by an appropriately qualified consultant, shall be provided to the Director-General and the Council outlining the results of the emission monitoring testing.

F14 QUARTERLY EMISSION MONITORING

Following the Commissioning Emission Monitoring Report, quarterly emission monitoring and recording by an appropriately qualified consultant shall be conducted of the exhaust stacks. The quarterly monitoring and recording must include emission velocity, flow, rate, temperature, water vapour concentration and NO_x. The results of quarterly emission monitoring shall be forwarded to the Director-General and the Council within 7 days of emission monitoring being undertaken.

In the event that the monitoring and recording identifies an exceedence of the NO_x criteria contained in Condition E6, the report must explain the reason for the exceedence, and if necessary, identify reasonable and feasible mitigation measures.

F15 COMPLAINTS

Should the Department or the Council receive substantiated complaints in relation to the operation of the gas fired power generation plant from a place of different occupancy, the use of the plant must cease until suitable mitigation works have been implemented to the satisfaction of the Council.

F16 WASTE LIQUIDS

All storage areas where spillages may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110 per cent of the largest vessel or container in the area or 10 per cent of the total volume of vessels accommodated in the area, whichever is greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected waste water and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of water.

F17 STORAGE AND HANDLING OF WASTE

The storage and handling of waste associated with the premises must comply with City of Sydney Council's *Code for Waste Handling in Buildings*. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F18 SPILLAGE - MATERIALS AND EQUIPMENT TO CONTAIN AND CLEAN UP

Appropriate materials and equipment are provided at all times to contain and clean up spills of potentially polluting materials. An inventory of all clean up and contaminants materials and equipment, and documented emergency response and clean up procedures must be kept on site.

F19 MICROBIAL CONTROL

Any cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995 or AS 3666.3:2000 (subject to prior notification to the Director-General), the *Public Health Act 1991* and the Public Health (Microbial Control) Regulation 2000.

A true copy of the annual certificate as stipulated in clause 9(2) of the Public Health (Microbial) Regulation 2000, which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to the Director-General and Council prior to the period ending June 30 every year.

Prior to the commencement of the use the owner or occupier of the premises must apply to the Council for the registration of the water cooling system/warm water system installed on the premises in accordance with the Public Health (Microbial) Regulation 2000.

F20 USE OF RAINWATER TANKS

Rainwater is to only be collected from roof catchments and its use is restricted to toilet flushing and garden use.

F21 RAINWATER TANK MAINTENANCE

All rainwater tanks are to be maintained in accordance with the manufacturer's instructions, Council's requirements, and the provisions of the NSW Health Circular No. 2002/1 *Use of Rainwater Tanks where a Reticulated Potable Supply is Available*.

F22 WATER RATINGS

All water fixtures installed within the premises are to have an AAA water rating or more. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

ADVISORY NOTES

AN1 FURTHER APPROVALS

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (1) the installation of signage

AN2 REQUIREMENTS OF PUBLIC AUTHORITIES

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 COMPLIANCE WITH BCA

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 STRUCTURAL CAPABILITY FOR STRUCTURES

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 USE OF MOBILE CRANES

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the certifying authority:

- (1) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (c) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.00am without the prior approval of the relevant authority.

AN6 MOVEMENT OF TRUCKS

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN7 CONSTRUCTION INSPECTIONS

Compliance Certificate/s shall be issued by the Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) foundations,
- (2) footings,
- (3) damp proof courses and waterproofing installation,
- (4) structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) structural beam and column framing,
- (6) timber wall and roof framing, and
- (7) storm water disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN8 NOISE GENERATION

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN9 STREET NUMBERING

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy for street numbering, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN10 DISABILITY DISCRIMINATION ACT

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 Propnent/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.

AN11 ROAD CLOSURE

A temporary road closure permit is to be obtained by Council and/or RTA prior to the closure of any roads.

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by RPS on behalf of the University of Technology, Sydney to manage and minimise potential impacts arising from the development.

Final Statement of Commitments

1.1 Introduction

The Director General's Requirements (Appendix 6.1) states that the environmental assessment must include a draft Statement of Commitments that outlines the environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project. UTS makes the following commitments that have been informed by the environmental assessment process.

1.1.1 General

The proposed development will be undertaken in accordance with the Environmental Assessment Report dated February 2011 prepared by RPS, as modified by the Response to Submissions Report MP09_0153 prepared by RPS, including the revised architectural drawings prepared by Gehry Partners and submitted with the Response to Submissions.

The applicant will obtain all necessary approvals required by State and Commonwealth legislation and relevant City of Sydney Council policies.

All works will comply with the Building Code of Australia.

UTS will work with SHFA, the Powerhouse Museum, Transgrid and the City Council to resolve a design and implementation program including shared funding to extend and improve the connection to the UPN. This will include bridging from the Dr Chau Chak Wing Building to the UPN via the Transgrid Adit building roof incorporating any required wind mitigation measures will be included in the design and implementation program.

1.1.2 Construction

A Construction Environmental Management Plan will be prepared prior to the relevant Construction Certificate and will include the measures identified in the Preliminary Construction Environmental Management Plan provided in Appendix 3.10 of the Environmental Assessment Report.

1.1.3 Access

The detailed design will comply with the Building Code of Australia and the City of Sydney Access DCP 2004 and incorporate the recommendations identified in the Access Review by Morris-Goding in Appendix D of the Response to Submissions.

1.1.4 Noise

The construction noise and vibration control measures and work practices recommended in the Noise Impact Assessment by Marshall Day in Appendix 6.5 of the Environmental Assessment Report and as amended by the Addendum to the Noise Assessment in Appendix B of the Response to Submissions will be adhered to and are included in the Preliminary Construction Environmental Management Plan in Appendix 3.10 of this Environmental Assessment Report.

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To control noise from mechanical services, the design of the acoustic louvres will be as recommended in the Noise Impact Assessment by Marshall Day in Appendix 6.5 of the Environmental Assessment Report; the inlets and outlets of supply and exhaust fans will be directed away from the nearest dwellings; and the roof of the plant room will be constructed of 9mm fibre cement/90mm cavity/0.6mm Colorbond steel or of a similar construction to achieve acceptable acoustic performance.

UTS will manage events and the general operation of the building to minimise potential outdoor activity noise at night by the provision of information to students and staff.

1.1.5 Wind

The proposed trees at the north west corner of the site will provide additional wind protection.

Planting of densely foliated shrubs will be incorporated around the trafficable areas of the north western terrace on the sixth floor and the southern terrace on the sixth floor to the same height of and in place of the balustrades recommended by Windtech in the Pedestrian Wind Environment Study in Appendix 6.7 of this Environmental Assessment Report.

A solution to mitigate wind levels to acceptable comfort and safety levels along the Ultimo Pedestrian Network to the east of the site at the points tested by Windtech in the Pedestrian Wind Environment Study in Appendix 6.7 of this Environmental Assessment Report will be determined in liaison with adjacent land owners as appropriate.

1.1.6 Transport

The construction traffic management measures recommended in the Transport Impact Assessment by Arup in Appendix A of the Response to Submissions and are included in the Preliminary Construction Environmental Management Plan in Appendix 3.10 of this Environmental Assessment Report.

A location specific Travel Access Guide/Green Travel Plan will be prepared prior to the occupation of the proposed building.

The final design will accommodate 175 bicycle parking spaces on site, including 153 bicycle storage spaces in the basement and 22 spaces on 11 bicycle racks (accommodating 2 each) on the northern side of the building. There will be 100 bicycle lockers (50 double stacked). In addition there are over 300 lockers for use by staff and students throughout the building.

1.1.7 ESD

The construction and operation of the Dr Chau Chak Wing Building will be in accordance with the ESD Strategies set out in the ESD Strategies report by AECOM in Appendix 6.9 of this Environmental Assessment Report to achieve Green Star Education v1 design rating of 5 Star.

A waste management plan will be prepared and implemented in accordance with the ESD Strategies Report by AECOM in Appendix 6.9 of this Environmental Assessment Report.

1.1.8 Built Heritage

The heritage fabric of the foundations and retaining wall on Ultimo Road of the former signal box building adjacent to the Ultimo Road Railway Underbridge and immediately adjacent to the site will be protected during construction in accordance with the recommendation in the Historic

Impact Statement at Appendix 6.10 of this Environmental Assessment Report. This measure is included in the Preliminary Construction Environmental Management Plan in Appendix 3.10 of this Environmental Assessment Report.

1.1.9 Archaeology

A program of investigation will be undertaken prior to the commencement of site works and the recommendations identified within the Archaeological Assessment by Casey and Lowe in Appendix 6.11 of this Environmental Assessment Report implemented. These measures are included in the Preliminary Construction Environmental Management Plan in Appendix 3.10 of this Environmental Assessment Report. The appointment of a contractor to undertake this work will be subject to UTS's procurement processes.

1.1.10 Aboriginal Archaeology

An Aboriginal Plan of Management will be prepared in consultation with the Metropolitan Local Aboriginal Land Council (MLALC) and a watching brief undertaken following the archaeological program of investigation and in accordance with the recommendations identified in the Due Diligence Aboriginal Heritage Report by Godden Mackay Logan in Appendix 6.12 of this Environmental Assessment Report. These measures are included in the Preliminary Construction Environmental Management Plan. The appointment of a contractor to undertake this work will be subject to UTS's procurement processes.

Aboriginal consultation will be undertaken, as required, under the OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010*.

1.1.11 Drainage, Flooding and Stormwater

During construction the Soil and Water Management Plan presented within the Drainage Strategy Report by AECOM and Arup in Appendix 6.13 of this Environmental Assessment Report will be adhered to and this is included in the Preliminary Construction Environmental Management Plan in Appendix 3.10 of the Environmental Assessment Report.

To protect features within the basement in the event that either the floodgate is not operated in time or that a larger rainfall event occurs and overtops the floodgate once operated, there will be bunding around the Energy Australia Substation and all other rooms within the basement.

The basement will be graded to the subsoil pump to allow for the pump out of water in the event that high levels of road runoff enter the basement.

1.1.12 Utilities

All services that are disrupted by the construction of the Dr Chau Chak Wing Building will be appropriately relocated or protected.

1.1.13 Contamination

The site will be remediated in accordance with the Revised Remedial Action Plan by Environmental Investigation Services in submitted with the Response to Submissions.

The recommendations contained within the Stage 2 Environmental Site Assessment by Environmental Investigation Services in Appendix 6.16 of the Environmental Assessment Report

will be implemented, as amended by the Addendum submitted with the Response to Submissions.

1.1.14 Geotechnical

The recommendations contained within the Geotechnical Factual and Interpretative Reports by Jeffery and Katauskas Pty Ltd in Appendices 6.17 and 6.18 respectively of this Environmental Assessment Report will be implemented.

1.1.15 Signage

A separate DA for signage will be submitted at a later date.

1.1.16 Street Trees

Tree planting will include Brush Box trees on Mary Anne Street and Golden Rain trees on the corner of Omnibus Lane, as agreed with the City of Sydney and the Department of Planning and Infrastructure.

SCHEDULE 4

APPROVED MATERIALS AND SAMPLES BOARD

