

Project Approval Part 3A

Section 75O of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the Project Application referred to in schedule 1, subject to the conditions in schedules 2 to 3.

These conditions are required to:

- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and performance measures for acceptable environmental performance;
- Require regular monitoring and reporting; and
- Provide for the ongoing environmental management of the development.



Deputy Director-General
Development Assessment & Systems Performance
Department of Planning and Infrastructure

Sydney

30 November 2012

SCHEDULE 1

Application No.:	MP11_0090
Applicant:	Frasers Broadway Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Blocks 3B, 3C & 10, Central Park, Chippendale (former Carlton United Brewery site)
Project:	<p>Construction of three buildings (3B, 3C and 10) for student accommodation with ancillary retail uses comprising:</p> <ul style="list-style-type: none">• 7,944.72m² of student accommodation floor space comprising 267 bedrooms;• 680.05m² retail floor space;• Construction of the surrounding public domain;• Public Art; and• Bicycle parking.

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DEFINITIONS

Act	Means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory notes	Means advisory information relating to the approved development but does not form part of this approval.
Applicant	Fraser's Broadway Pty Ltd, or anyone else entitled to act on this approval.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certifying Authority	Has the same meaning as Part 4A of the Act.
Department	Department of Planning and Infrastructure or its successors.
Director General	Director General of the Department of Planning and Infrastructure, or nominee.
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate). Where the Director General's approval, agreement or satisfaction is required under a condition of this approval, the Director General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EA	Environmental Assessment prepared by JBA Planning Consultants Pty Ltd and dated June 2012
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
PPR	Preferred Project Report prepared by JBA Planning dated October 2012.
Proponent	Means Fraser's Broadway Pty Ltd or any party acting upon this approval.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Kensington Street, Chippendale (Lot 7/11 DP 42053, Lot 8/11 DP 42053)
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 1

PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- Construction of three buildings (3B, 3C and 10) for student accommodation with ancillary retail uses comprising:
 - 7,944.72m² of student accommodation floor space comprising 267 bedrooms;
 - 680.05m² retail floor space;
 - Construction of the surrounding public domain;
 - Public Art; and
 - Bicycle parking.

A2. Terms of Approval

The Applicant shall carry out the project in accordance with the following documentation:

- a) Environmental Assessment and supporting documents prepared by JBA Planning dated June 2012;
- b) Preferred Project Report and supporting documents prepared by JBA Planning dated October 2012; and
- c) following drawings, except for:
 - a) any modifications which are Exempt' or Complying Development;
 - b) otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by <i>Tonkin Zulaikha Greer</i>			
Drawing No.	Revision	Name of Plan	Date
A-101		Site Plan	May 2012
A-102		Proposed Ground Plan	May 2012
A-201	A	Block 3B/C: Level B1 Substation	September 2012
A-202	A	Block 3B/C: Ground Level	September 2012
A-203	A	Block 3B/C: Level 1	September 2012
A-204	A	Block 3B/C: Level 2	September 2012
A-205	A	Block 3B/C: Level 3	September 2012
A-206	A	Block 3B/C: Level 4	September 2012
A-207	A	Block 3B/C: Level 5	September 2012
A-208	A	Block 3B/C: Level 6	September 2012
A-209	A	Block 3B/C: Level 7	September 2012
A-210		Roof	May 2012
A-211	A	Block 10: Ground and Level1	September 2012
A-212	A	Block 10:Level 2 and 3	September 2012
A-213	A	Block 10: Level 4 and 5	September 2012
A-214		Roof	May 2012

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer			
A-301	A	Block 3B/C: Sections 1	September 2012
A-302	A	Block 3B/C: Sections 2	September 2012
A-303	A	Block 3B/C: Sections 3	September 2012
A-304		Block 10: Sections 1	May 2012
A-401	A	Context: East Elevation	September 2012
A-402	A	Context: South Elevation	September 2012
A-403	A	Context: West Elevation	September 2012
A-404	A	Context: North Elevation	September 2012
A-405	A	Block 3B/C: East Elevation	September 2012
A-406	A	Block 3B/C: North and South Elevation	September 2012
A-407	A	Block 3B/C: West Elevation	May 2012
A-408	A	Block 10: East and West Elevation	May 2012
A-409	A	Block 10: South Elevation	May 2012
A-410	A	Block 10: North Elevation	September 2012
A-501		Typical Studio	May 2012
A-502		Typical Accessible Studio	May 2012
A-503		Cluster Kitchen Sizes 1	May 2012
A-504		Cluster Kitchen Sizes 2	May 2012
A-601	A	Façade Study	September 2012
A-602		Façade Study Street Level	September 2012
Landscape Drawings prepared by Jeppe Aagaard Andersen + Turf Design Studio			
0721 – Page 2	A	3B & 3C Plan	May 2012
0721 – Page 3	A	3A South Wall	May 2012
0721 – Page 4	A	3A Wall Concepts	May 2012
0721 – Page 5	A	Furniture F-1	May 2012
0721 – Page 6	A	Furniture F-2	May 2012
0721 – Page 7	A	Paving	May 2012
Survey Drawings prepared by Degotardi, Smith and Partners			
31420A35	B	Sheet 1 & 2	21 March 2012

A3.

Inconsistency between documents

In the event of any inconsistency between the plans and documentation referred to above, including the Proponent's Statement of Commitments, and 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.

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Construction Certificate

Prior to commencement of any construction works associated with the approved development (including excavation and building construction, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A6. Limits of approval

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

A7. Further approvals

This approval does not permit the following, which are required to obtain separate approval (except where exempt and complying development applies):

- a) any details relating to retail fit-out, including plans of mechanical extraction/ventilation;
- b) any advertising signage;
- c) any proposal to strata-subdivide the building will require development consent and therefore the lodgement of a separate development application and subsequent approval from Council, or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*; and
- d) a separate application is to be made to, and approved by, Council 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 the issue of an Occupation Certificate.

Note: In all cases the construction materials construction of any vehicle crossings or the removal of any existing redundant vehicle crossings.

A8. Responsibility for other approvals/agreements

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

End of Section

SCHEDULE C

PERFORMANCE CONDITIONS

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for 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 Building Code of Australia (BCA).

B2. Design Modifications

In order to provide acceptable management of the proposed student accommodation, the design of the buildings shall be amended as follows:

- (a) provision shall be made for one 24 hour on-site caretaker/manager for both Blocks 3B & 3C and one 24 hour on-site caretaker/manager for Block 10 (a total of 2 caretakers/managers), including the designated of a room/area of at least 8m² with a minimum dimension of 2.5 metres;
- (b) provision of secure, on-site bicycle parking for a minimum of 89 bicycles proportionally shared between Blocks 3B, 3C and 10.
The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities; and
- (c) a physical barrier, such as a timber or masonry wall return, must be provided between the kitchenette areas within the studio rooms and the immediately adjoining study desk. The barrier must be provided up to ceiling height.

Details of the above shall be submitted to and approved by the Director General or his nominee prior to the issue of a Construction Certificate.

B3. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a Construction Certificate.

B4. Additional Details - Reflectivity

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

B5. Safer by Design

To minimise the opportunity for crime and in accordance with 'Crime Prevention Through Environmental Design' principles, the Proponent must prepare and adopt a Safety Management Plan in accordance with the CPTED Report prepared by Elton Consulting, submitted with the Project Application.

B6. Access for People with Disabilities

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 and Construction Certificate drawings.

B7. Floor to Ceiling Heights

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must ensure that all living rooms and bedrooms must have a minimum finished floor to ceiling height of not less than 2.4 metres.

B8. Windows

All windows to residential apartments shall have operable panels to ensure adequate natural ventilation, unless restricted by other Authority regulations.

B9. Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Department and to the Council.

B10. Storage and Handling of Waste

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney DCP shall be met, including:

- a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage in appropriate categories of material suitable for recycling; and
- c) And include provision for separate storage and collection of organic/food waste.

The Certifying Authority must ensure that the building plans and specifications submitted by the Proponent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

B11. Compliance Report

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Department a report addressing compliance with all relevant conditions of this approval.

B12. Alignment Levels

- a) Prior to a Construction Certificate for above ground works being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor, architect/public domain designer or suitably qualified person and must be in accordance with the City of Sydney's Public Domain Manual.
- b) The alignment levels should be coordinated with the proposed levels for adjacent areas that are already approved for construction and, in the case of the through site links, demonstrate smooth transitions between Carlton Lane and Kensington Lane footways.
- c) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition, shoring work or below ground works.
- d) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

B13. Public Domain Plan

The Public Domain Plan accompanying this Development Application has not been approved by this consent. Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate for above ground works being

issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

B14. Public Domain Works – Hold Points and Handover

- a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition, shoring work, or below ground works, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

B15. Footway Pavement Design

- a) A footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to Council for approval prior to the issue of the Construction Certificate for works above ground; and
- b) The footway pavement design shall be undertaken in accordance with Council's Development Specification for Civil Works, the Sydney Streets Design Code and the Public Domain Manual. Drawings shall clearly indicate the pavement structure, material types and layer thickness of the proposed pavement and surfacing.

B16. Paving Materials

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

B17. Protection of Stone Kerbs

- a) The existing stone kerbs on the Kensington Lane & Outram Street frontage/s of the site are to be retained and properly protected during excavation and construction works.
- b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by City

officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed.

- c) Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.
- d) Note: all costs associated with the works are to be at no cost to the Council.
- e) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- f) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- g) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- h) Council approval is required before kerbs are removed.

B18. Stormwater and Drainage – Major Development

- a) Prior to the issue of a Construction Certificate, details of any proposed stormwater disposal and drainage from the Development including a system of on-site stormwater detention in accordance with Council's standard requirements and detailed of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development;
- b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way;
- c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate for above ground works being issued; and
- d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

B19. Stormwater Quality Management

- a) Stormwater quality objectives for this development shall comply with the modification of Major Project Approval (MP06_0171) approval dated 24 July 2012 and the subsequent final Stormwater Management Plan dated June 2012 by Mott MacDonald Hughes Trueman.
- b) Detailed design documentation to implement best practice urban stormwater management using WSUD principles shall be submitted to Council for approval prior to the relevant construction certificate being issued if the proposed assets are within public domain and to be maintained by Council in the future.
- c) A design certification report for the proposed stormwater quality management shall be prepared by an appropriately qualified engineer and shall be submitted to the PCA prior to the issue of the relevant Construction Certificate.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site, which specifically identified the works under this approval.

B20. Heritage Interpretation Plan

- a) An interpretation plan for the Block 3B, 3C and 10 must be submitted to and approved by Council's Heritage Specialist prior to a Construction Certificate being issued.
- b) The interpretation plan must detail how information on the history and significance of the Blocks 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.
- c) The plan must be implemented prior to the Occupation Certificate.

B21.

Environmental Performance

The Proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 Star Green Star Building, consistent with Future Assessment Requirement B12 of MP06_0171 (Concept Plan). Evidence of the project's ineligibility and its consistency with Green Star principles shall be provided.

End of Section

PART C – PRIOR TO CONSTRUCTION

C1. Demolition

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.

C2. Excavation Works

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.

C3. Structural Details

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

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

C4. Management Plan - Construction

A site specific noise management plan shall be submitted to Council for approval and comment prior to any works commencing on the above ground works and 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. 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 with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant machinery.
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- c) What course of action will 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.
- d) 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.

C5. Construction Management

- a) Prior to the commencement of construction works the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Proposed truck routes, in accordance with this development approval.
 - (ii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits.
 - (iii) Measures to control noise emissions from the site.

- (iv) Measures to suppress odours.
 - (v) Enclosing and making the site safe.
 - (vi) Induction training for on-site personnel.
 - (vii) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environment Operations Act 1997*).
 - (viii) Working hours, in accordance with this development approval.
 - (ix) Any Work Cover Authority requirements.
- b) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

C6. Erosion and Sediment Control - Between 250 and 2,500sqm

Prior to the commencement of construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

C7. Preservation of Survey Marks

All works in City 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 forty-eight 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 City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

A fee will apply for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

C8. Utility Services

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

C9.**CCTV Records – Stormwater Works**

All existing and constructed road stormwater drainage structures (pipelines and pits), adjacent the works described within this Approval, must be inspected by Closed Circuit Television (CCTV) prior to the issue of the Construction Certificate. CCTV reports for the existing and constructed works must be submitted to Council in electronic DVD format and a hard copy report. Certification is also required from a suitably qualified professional to state that any defects identified by these inspections have been rectified.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site, which specifically identified the works under this approval.

C10.**Subsurface Drainage**

Subsurface drainage systems shall be provided for all road formations, cuttings, and the base and sub base of pavement layers and throughout the entire base of the new public park. The design and construction of the subsurface drainage system shall be undertaken in accordance with Council's Development Specification for Civil Works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate. The plans shall include as a minimum the following information:

- a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site, which specifically identified the works under this approval.

C11.**Retail Fitout**

Adequate provision is to be made for the installation of mechanical exhaust and ventilation for any future food premises intended for retail areas where cooking, heating or similar food preparation is to be carried out.

C12.**Application for Hoardings and Scaffolding**

A separate application under Section 138 of the Roads Act 1993 is to be made to Council 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 in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
- b) Structural certification prepared and signed by an appropriately qualified practising structural engineer.
- c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
- d) Assessment of the impacts of construction and final design upon Council's street furniture such as bus shelters, phone booths, bollards and litter bins and JC Decaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is

responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.

The hoarding must comply with the Councils policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

C13. 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 obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

C14. 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.

C15. Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C16. Traffic Works

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 approved by the Sydney Traffic Committee prior to any work commencing on site.

C17. Traffic Control Plan

Where works are to occur on existing public roads a Traffic Control plan is to be prepared. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

The Traffic Control Plan is to be prepared and submitted to Council prior to the relevant works being undertaken.

End of Section

PART D - DURING CONSTRUCTION

D1. Disposal of Seepage and Stormwater

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.

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 Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D3. Site Notice

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.

The 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; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

D4. Hours of Work

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 7:00 pm, Mondays to Fridays inclusive;
- b) between 7:00 am and 5:00 pm, Saturdays;
- c) no work on Sundays and public holidays; and
- 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; and
 - iii. variation is approved in advance in writing by the Director General or his nominee.

D5. Vibration Criteria

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 in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director General.

D6. Compliance Report

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

D7. Loading and Unloading During Construction

The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to 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 for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

D8. Covering of Loads

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

D9. Associated Roadway Costs

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the Council's "Development Specification for Civil Works Design and Construction".

D10. Cost of Traffic Management

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

D11. Use of Mobile Cranes

The following requirements apply:

- a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- b) 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 for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

D12. Noise – Mechanical Plant and Equipment

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a. Transmission "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- b. 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.

D13. Mechanical ventilation systems

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 issue of a Construction Certificate.

D14. Anti-Graffiti

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

D15. Photographic Record / Dilapidation Report – Public Domain

A photographic recording shall be prepared and submitted to Council's satisfaction for any public domain/works dedicated to Council prior to the completion of building works related to this approval.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street and public open space.

The form of the recording is to be as follows:

- a) A pdf format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) Each image is to be numbered and cross referenced to a site location plan;
- d) A summary report, prepared by a suitably qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record; and
- e) Include written confirmation, issued with the authority of both the applicant and the photographer that Council is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

End of Section

PART E - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

E1. An Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to the Department and Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

E2. Compliance with Acoustic Report and Post Works Verifications

- a) All recommendations and acoustic criteria contained in Section 3.1 Table 3.1 of the Acoustic Assessment by WSP Acoustics shall be fully implemented and met during and after construction of the premises.
- b) The PCA shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australia Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that the stated acoustic criteria has been fully met.

E3. Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development approval and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

E4. Registration of Easements

Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this approval, approvals, and other approvals have been lodged for registration or registered at the NSW Land and Property Information.

E5. Sydney Water Compliance (prior to occupation)

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.

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.

E6. Post-construction Dilapidation Report

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

- i. compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
- ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

c) A copy of this report is to be forwarded to the Department and Council.

E7. Accommodation – Registration and Caretaker

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the on-site manager, and the number of occupants approved for the premises. An on-site manager must be contactable 24 hours a day for each separate student accommodation use.

E8. Plan of Management to be Submitted and Approved

The Plan of Management accompanying this Development Application has not been approved by this consent.

A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations including Security Management. The plan must include as a minimum:-

- i) compliance with all other operational conditions of this consent;
- ii) the occupancy rate per bedroom must be capped at 1 person per room; evidence of identity and of student enrolment in a tertiary educational facility in Australia must be provided;
- iii) hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted), use of alcohol and/or drugs, curfews, noise management plan;
- iv) security management should be expanded to include relationships with surrounding hotels/motels/ businesses;
- v) students should be issued with information on how to contact Police, Ambulance and Fire Department in translated formats, personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command;
- vi) safety and security measures for residents, handling complaints;
- vii) provisions of communal areas and facilities, and access and facilities for people with disabilities;
- viii) a copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.
- ix) The plan must be submitted to and approved by Council prior to a Construction Certificate being issued for above ground works.

E9. Laundry facilities

- a) A minimum of (10) 7-10kg commercial washing machines and (10) 7-10kg commercial dryers are to be provided for the occupants of Blocks 3B/3C and installed prior to the issue of an Occupation Certificate.
- b) A minimum of (7) 7-10kg commercial washing machines and (7) 7-10kg commercial dryers are to be provided for the occupants of Block 10 and installed prior to the issue of an Occupation Certificate.

E10. Signage to Indicate Non Participation in Resident Parking Permit Scheme

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can

easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

E11. Public Art

High quality art work must be provided within the development in publicly accessible locations, including near main entrances, in lobbies and on street frontages, in accordance with the Central Sydney DCP 1996 and the Public Art Policy. Details of the art work must be submitted to and approved by Council prior to an Occupation Certificate for above ground works being issued. All public art work is to be provided, installed and completed prior to issue of an Occupation Certificate

E12. Fire Safety Certificate

Fire Safety Certificate shall be furnished to the PCA 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 PCA.

E13. Safety Management Plan

The recommendations of the Safety Management Strategy and Plan and Draft Security Management Plan shall be implemented prior to the issue of the Occupation Certificate.

E14. Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

E15. Waste and Recycling Management – Student Accommodation

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

E16. Environmental Performance

The Proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 star Green Star Building, consistent with Future Assessment Requirement B12 of MP06_0171 (Concept Plan). Evidence of the projects ineligibility and its consistency with Green Star Principles shall be provided.

E17. Retail Tenancy Strategy

To ensure that the retail tenancy fit outs contribute to the historic context of the Kensington Street terraces, a strategy should be formulated to guide future fit out design. The strategy should make recommendations on appropriate colours, materials, lighting and signage to avoid visual clutter that may arise from retail displays and signage and shopfront glazing being obscured.

E18. Physical Models

- a) Prior to an Occupation Certificate for above ground works being issued, 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 an Occupation Certificate being issued, 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: The models must be constructed in accordance with the Model Specifications available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.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 contacted prior to the construction of the model for City Exhibition Space. The models are to comply with all of the conditions of the Development Approval.

The models must be amended to reflect any further modifications to the approval (under section 96 of the Act that affect the external appearance of the building).

E19.

Submission of Electronic Models prior to Occupation Certificate

- a) Prior to a Occupation Certificate for above ground works being issued, an accurate 1:1 electronic model of the detailed construction certificate 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:
- c) Building design above and below ground in accordance with the development approval;
- d) All underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- e) 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 (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map of Australia (MGA) spatially located in the initial Data Extraction file;
- f) 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 scheme;
- g) 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 on line at 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 Development Approval; and
- h) Prior to an Occupation Certificate being issued, 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 (under section 96 of the Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

End of Section

PART F - DURING OPERATIONS

F1. Restrictions on Student Accommodation

The following restrictions apply to the building hereby approved for student accommodation:

- a) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like;
- b) Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds;
- c) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation;
- d) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of a tertiary educational facility in Australia. The owner or licensor or landlord is to maintain an up-to-date register of all details which must be produced for inspection on request by Council;
- e) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of current enrolment in such tertiary educational facility;
- f) Upon ceasing to be enrolled to attend a full time tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 12 weeks of the expiration of their tertiary course;
- g) Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms to the satisfaction of Council. The Applicant shall pay Council all costs for the preparation and registration of the restrictive covenant;
- h) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and attending a full time or part time course of tertiary education in Australia; and
- i) All student occupants of the site are to be provided with a package notifying them of these requirements when they commence residency at the premises as part of the lease/ tenancy agreement. This, and other information required to be provided to the student occupants is to be provided in the native language of the proposed student occupant so that it can be easily understood.

F2. Caretaker/Manager Availability

- a) An on-site caretaker or member of staff is to be available on the premises of buildings on Blocks 3B & 3C, 24 hours per day, 7 days per week. The on-site caretaker and/or manager of staff on the premises must be contactable for any emergencies 24 hours per day.
- b) An on-site caretaker or member of staff is to be available on the premises of the building on Block 10, 24 hours per day, 7 days per week. The on-site caretaker and/or manager of staff on the premises must be contactable for any emergencies 24 hours per day.

Separate on-site caretakers or members of staff must be utilised for Blocks 3B & 3C, and Block 10.

F3. Use of Roof Terrace and Outdoor Areas

Use of the roof terrace to the building on Block 3C and the common outdoor area to the building on Block 10 are restricted to residents of the development only. Resident access to the outdoor areas is to be restricted to between the hours of 8am and 10pm.

F4. Annual Fire Safety Certification

The owner of the building shall certify to the council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The 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.

F5. Noise Control – Plant and Machinery

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 boundary of the Subject Site.

F6. Noise- Use

- a) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with *Australian Standard AS 1055.1-1997-Description and measurement of environmental noise*.
- c) The LAeq, 15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the NSW EPA Industrial Noise Policy (2000).
- d) The use of the premises shall 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 residence.
- e) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.
- f) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15 minute noise level measured in the absence of all noise from the site.

F7. Public Way to be Unobstructed

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

F8. External Lighting

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

F9. Care of Building Surrounds

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

F10. Bedroom furnishings

Every bedroom within the development is required to be furnished with the following prior to the issue of an Occupation Certificate:

- c) Bed;
- d) Wardrobe;
- e) Mirror;
- f) Table and chair;
- g) Nightlight;
- h) Waste container/rubbish bin;
- i) Suitable door latching device;
- j) Curtain/blinds;
- k) Phone line/internet connection;

- l) Adequate cupboards and shelves

F11.

Air Conditioners

The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

End of Section

ADVISORY NOTES

AN1. Appeals

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

AN2. Other Approvals and Permits

The Applicant shall apply to the council 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.

AN3. Responsibility for other approvals / agreements

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

AN4. Movement of Trucks Transporting Waste Material

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

AN5. 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 the council's policy, 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 the Council.

AN6. Temporary Structures

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the 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 the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

AN7. 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 Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN8. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

AN9.

Asbestos Removal

All excavation and demolition 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"

AN10.

Site contamination issues during construction

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

AN11.

Ongoing Archaeological Management

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and further advice sought from the archaeologist who undertook the original program of investigation of the site. In addition the Heritage Office of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and further advice sought from the archaeologist who undertook the original program of investigation of the site. In addition the NSW Department of the Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

AN12.

Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- a) the certifying authority before release of the Construction Certificate,
b) the approval authority before the release of the subdivision certificate, and
c) the principal certifying authority prior to occupation.

AN13.

Requirements of Public Authorities for Connection to Services

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 PCA prior to the issue of the Construction Certificate.

AN14. Compliance with Building Code of Australia

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

AN15. Structural Capability for Existing Structures

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

AN16. Construction Inspections

Compliance certificate/s shall be issued by the Principal 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:

- a) Foundations,
- b) Footings,
- c) Damp proof courses and waterproofing installation,
- d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- e) Structural beam and column framing,
- f) Timber wall and roof framing, and
- g) Stormwater 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.

AN17. Other Details required prior to Issue of Subdivision Certificate

The Proponent shall submit to the satisfaction of the approval authority or Council, the following information, prior to the issue of the Subdivision Certificate:

- a) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- b) Documentary evidence that the property has been developed in accordance with plans approved by this approval and of compliance (or a Compliance Certificate) with the conditions of that approval.

AN18. Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- a) Water supply, sewerage and stormwater drainage work
- b) Management of waste as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

End of Section

APPENDIX D PROPONENT'S STATEMENT OF COMMITMENTS

No.	Issue	Commitment	Timing
1	Design	The proposed development will be constructed in accordance with the plans and documentation submitted with the Project Application.	Ongoing.
2	ESD	The proposed development will be consistent with the recommendation of the ESD report prepared by WSP Built Ecology	Throughout construction works and during the occupation of the building.
3	Construction Management	An updated CEMP will be prepared once a building contractor is appointed.	Prior to commencement of works.
4	Traffic Management	A Construction Traffic Management Plan will be prepared for the project.	Prior to works commencing
5	Accessibility	All publicly accessible areas of the building will be designed to equitable access for the mobility impaired in accordance with the Access Report prepared by Accessibility Solutions (NSW) Pty Ltd. The proposed development will comply with AS1428 and the City of Sydney Access DCP.	Prior to issue of the relevant Construction Certificate.
6	Waste Management	A commercial contractor will be engaged to remove waste and recycling from the building in accordance with the Waste Management Plan, prepared by TZG.	Prior to occupation of the building.
7	Plan of Management	The Preliminary plan of management will be updated once an operator is appointed for the management of the premises.	Prior to occupation of the building.
8	Plan of Management	Mitigation measures outlined in the detailed POM will be implemented so as to minimise impacts on the surrounding community.	Prior to and during occupation
9	Safety and Security	Details and requirements outlined in the Safety Management Plan, prepared by Elton Consulting will be implemented.	During construction and prior to occupation of the building.
10	Noise management	The plant selected for the building will be acoustically treated so as to meet the acoustic goals set in the Noise Assessment prepared by WSP Built Ecology.	Prior to occupation of the building.

No.	Issue	Commitment	Timing
11	Noise management	Window and facade treatments to mitigate against acoustic privacy impacts will be adopted in accordance with the recommendations Acoustic Report	Prior to the issue of the relevant Construction Certificate
12	Heritage	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement	Throughout the duration of the construction works.
13	Heritage/Archaeology	Construction works will be overseen by a qualified historical archaeologist as part of an archaeological monitoring program.	As relevant
14	Public Art	Public Art will be designed in consultation with the City of Sydney Council and the Department of Planning and Infrastructure and installed in accordance with the approved Public Art Strategy.	Prior to the issue of a Final Occupation Certificate.