

Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission approves the project application referred to in Schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

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



Jan Murrell
MEMBER OF THE COMMISSION



Garry Payne AM
MEMBER OF THE COMMISSION

Sydney

23 December 2013

SCHEDULE 1

Application No.:	SSD-5700-2012
Applicant:	Central Park JV No. 2
Consent Authority:	Minister for Planning & Infrastructure
Land:	Block 4 South, Central Park, Chippendale (former Carlton United Brewery)
Development:	<p>Construction of a part 15/ part 16 storey building for student accommodation for up to 826 students within 688 rooms comprising:</p> <ul style="list-style-type: none">• resident facilities including communal recreation, dining, study facilities, administration facilities, theatre, gym, and laundry and lounge areas;• 11 retail tenancies at the lower and upper ground levels;• single storey basement level;• 197 bicycle spaces;• 4 motorcycle spaces;• 2 on street car parking bays at Irving Street;• provision of public domain works surrounding the development including; public pathways, paving, tree planting, seating, bicycle parking, pedestrian lift and public artwork; and• stratum subdivision.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Central Park JV No. 2, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A1.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	The City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) 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.
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled prepared by JBA Planning, dated January 2013
EPA	Environment Protection Authority, or its successor
The Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report prepared by JBA Planning, dated May 2013
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Block 4 South, Central Park, Chippendale (former Carlton United Brewery site)

SCHEDULE 2 PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

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

A2. Development in Accordance with Plans

The Applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement titled 'Environmental Impact Statement (SSD 5700-2012) prepared by JBA Planning, dated January 2013;
- b) Response to Submissions report titled 'Response to Submissions (SSD 5700-2012), prepared by JBA Planning, dated May 2013;
- c) Additional Information prepared by JBA Planning, dated 1 August 2013; and
- d) Following drawings, except for:
 - (i) any modifications which are Exempt or Complying Development;
 - (ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Foster+Partners			
Drawing No.	Revision	Name of Plan	Date
PA-A-5758	02	Level Basement	18/01/12
PA-A-5759	08	Level Ground Floor	20/05/13
PA-A-5760	08	Level 0	20/05/13
PA-A-5761	06	Level 1	24/01/13
PA-A-5762	06	Level 2	24/01/13
PA-A-5763	06	Level 3	24/01/13
PA-A-5764	06	Level 4	24/01/13
PA-A-5765	06	Level 5	24/01/13
PA-A-5766	06	Level 6	24/01/13
PA-A-5767	06	Level 7	24/01/13
PA-A-5768	06	Level 8	24/01/13
PA-A-5769	06	Level 9	24/01/13
PA-A-5770	06	Level 10	24/01/13
PA-A-5771	06	Level 11	24/01/13
PA-A-5772	06	Level 12	24/01/13
PA-A-5773	06	Level 13	24/01/13
PA-A-5774	06	Level 14	24/01/13
PA-A-5775	05	Level 15 – Plan/Roof	24/01/13
PA-A-5777	05	Roof Plan	24/01/13
PA-A-6050	05	Elevation 01 East Façade, Central Park Avenue	24/01/13
PA-A-6051	05	Elevation 02 North Façade Central Park Avenue	24/01/13
PA-A-6052	05	Elevation 03 West Façade, Abercrombie Street	24/01/13
PA-A-6053	06	Elevation 04 South Façade, Irving Street	13/05/13

PA-A-6250	06	Section 01 Longitudinal	13/05/13
PA-A-6251	06	Section 02 Cross	24/01/13
PA-A-6252	05	Section 03 Cross	24/01/13
PA-A-6700	04	Typical Apartment Layouts – Standard Studio and Studio Long	28/05/13
PA-A-6701	03	Typical Apartment Layouts – Deluxe/Accessible Studio	22/05/13
PA-A-6702	03	Typical Apartment Layouts – Multishare Apartment	22/05/13
PA-A-7980	00	Rendering	24/01/13
PA-A-7981	00	Rendering	24/01/13
PA-A-7982	00	Rendering	24/01/13
PA-A-7993	00	View 01-02-03-04 Hidden Lines	24/01/13
ASK230513-001		North Elevation: Visual Privacy	
ASK230513-009		Building Articulation	
ASK230513-010		Courtyard Facing Studio Facades	
ASK230513-011		Courtyard Facing Studio Facades	
ASK230513-012			
Landscape and Public Domain Drawings prepared by Jeppe Aagaard Andersen & Turf Design Studio			
Drawing No.	Revision	Name of Plan	Date
4	B	Ground Floor & Level 00 Plan	12/12
5	A	Level 1 Plan & Softworks	12/12
6	A	Level 2 Plan, Section & Softworks	12/12
7	A	Level 13 Plan & Softworks	12/12
8	A	Materials & Paving	12/12
9	A	Light Concepts	12/12
Gross Floor Area drawings prepared by Foster+Partners			
Drawing No.	Revision	Name of Plan	Date
4067_4S_SK117		GFA – PA Set Lower Ground Floor	
4067_4S_SK118	B	GFA – PA Set Ground Floor	
4067_4S_SK119		GFA – PA Set Level 1 Floor	
4067_4S_SK120		GFA – PA Set Level 2 Floor	
4067_4S_SK121		GFA – PA Set Level 3 Floor	
4067_4S_SK122		GFA – PA Set Level 4 Floor	
4067_4S_SK123		GFA – PA Set Level 5 Floor	
4067_4S_SK124		GFA – PA Set Level 6 Floor	
4067_4S_SK125		GFA – PA Set Level 7 Floor	
4067_4S_SK126		GFA – PA Set Level 8 Floor	
4067_4S_SK127		GFA – PA Set Level 9 Floor	

4067_4S_SK128		GFA – PA Set Level 10 Floor	
4067_4S_SK129		GFA – PA Set Level 11 Floor	
4067_4S_SK130		GFA – PA Set Level 12 Floor	
4067_4S_SK131		GFA – PA Set Level 13 Floor	
4067_4S_SK132		GFA – PA Set Level 14 Floor	
Draft Subdivision Plans submitted with the RtS - 8 sheets			

A3. Inconsistency between Documents

If there is any inconsistency between the plans and documentation referred to above and the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

A4. Long Service Levy

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

A5. Prescribed Conditions

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

A6. Limits of this consent

This consent will lapse five years from the date of this consent unless the building works associated with the application have physically commenced.

A7. Further consents

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

- a) any details relating to fit-out and use of the retail/commercial tenancies located on the lower ground and upper ground levels of the building, including plans of mechanical extraction/ventilation; and
- b) any advertising signage.

A8. Permissible Accommodation

The maximum number of permissible student units is 688 providing a maximum of 826 beds/occupants.

End of Section

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 consent 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

The design of the development shall be amended as follows:

- a) The building foot print shall be reduced at the northern elevation to provide a minimum 14.5 metre building separation in accordance with the approved Concept Plan; and
- b) The café/retail tenancy at the lower ground floor of the north western corner of the building shall be extended to provide frontage to the entire northern lower ground floor public domain area up to the access lift.

Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate above ground works.

B3. Additional Details to be submitted

Additional details shall be submitted to and approved in writing by the City of Sydney Council, prior to the issue of a Construction Certificate for above ground works for details of any signage to external facades.

B4. 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 consent, prior to the issue of a Construction Certificate.

B5. Temporary Ground Anchors, Temporary Shoring and Permanent Basement/Retaining Walls Affecting the Road Reserve

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- a) Prior to a Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - i. Dilapidation Report of adjoining buildings/structures.
 - ii. Evidence that public utility services have been investigated.
- b) If adjoining a Public Way:
 - i. Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - ii. Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- c) Prior to commencement of work:
 - i. The location of utility services must be fully identified and the requirements of the relevant public utility authority complied with; and
 - ii. The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- d) Prior to issue of Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:

- i. All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - ii. The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - iii. All timber must be removed.
 - iv. All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - v. All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning.

B6. 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%.

B7. Safer by Design

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

B8. 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.

B9. Mechanical Ventilation

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 for above ground works.

B10. Design of Food Premises

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B11. Installation of Dual Flush Toilets

All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

B12. Installation of Water Efficient Urinals

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

Systems must include “smart controls” to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

B13. Internal Lighting System

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

B14. 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.

B15. 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 applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

B16. 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 consent.

B17. 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 consent. 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 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.

B18. 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 consent 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.

B19. 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".

B20. 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 consent 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.

B21. Stormwater Quality Management

- a) Stormwater quality objectives for this development shall comply with the modification of Major Project Approval (MP 06_0171) 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 consent 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 consent.

B22. Environmental Performance

The applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 Star Green Star Building, consistent with Future Assessment Requirement B12 of Concept Plan Approval MP 06_0171 as amended. Evidence of the project's ineligibility and its consistency with Green Star principles shall be provided.

B23. 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 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.

B24. Public Domain Works – Hold Points and Handover

- a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, 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.

B25. Landscaping of the Site

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:

- Location of existing and proposed structures on the site including existing trees (if applicable);
- Details of earthworks including mounding and retaining walls
- and planter boxes (if applicable);
- Location, numbers and type of plant species;
- Details of planting procedure and maintenance;
- Details of drainage and watering systems.

Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

B26. Street Tree Planting and Maintenance

A Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction

Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan.

The street tree(s) must be planted:

- by a qualified Arborist or Horticulturist (AQF Level 3); and
- before the issue of an Occupation Certificate.

The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.

All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

At the end of the twelve (12) month maintenance period, written consent must be obtained from Council before hand-over of any street tree to Council.

If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

B27. Footpath Damage Bank Guarantee

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of a consent for a hoarding over the public way. However neither bank guarantee will be released until all development works are complete to the satisfaction of the City, including rectification of damage to the public way. You should contact Council to determine the bank guarantee amount prior to payment.

End of Section

PART C – PRIOR TO CONSTRUCTION

C1. Traffic Works

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

C2. Associated Roadway Costs

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

C3. 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.

C4. 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).

C5. Utility Services

Prior to the commencement of work, the Applicant is to demonstrate to the satisfaction of the PCA that they have contacted relevant utility authorities (e.g. Ausgrid and Telecommunications Carriers) regarding connection / relocation and/or adjustment of services affected by the construction of the underground structures.

C6. CCTV Records – Stormwater Works

All existing and constructed road stormwater drainage structures (pipelines and pits), adjacent the works described within this consent, 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 consent.

C7. Noise Management Plan – Construction

A site specific noise management plan shall be submitted to the Council for consent and comment prior to any works commencing on site. The plan should include but not be limited to the following:

- a) Confirmation of the level of community consultation that has, is and will be been 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 particularly during the demolition and excavation phases.
- 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.
- e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

C8. 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.

C9. 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.

C10. 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 consent, and
- c) drawings and specifications comprising the Construction Certificate.

C11. Construction Environmental Management Plan

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- i. hours of work;
 - ii. 24 hour contact details of site manager;
 - iii. traffic management;
 - iv. noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
 - v. erosion and sediment control;
 - vi. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - vii. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - viii. flora and fauna management.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
 - c) The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

C12. Waste Management Plan during construction

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
 - i. Recycling of demolition materials including concrete; and
 - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.

C13. Traffic & Pedestrian Management Plan

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council, and where required, the consent of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
 - i. ingress and egress of vehicles to the Subject Site,
 - ii. loading and unloading, including construction zones,
 - iii. predicted traffic volumes, types and routes,
 - iv. pedestrian and traffic management methods, and
- c) The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

C14. 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 Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

End of Section

PART D – DURING CONSTRUCTION

D1. 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 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 should reinforce the priority of pedestrian movement over that of the crossing vehicle.

D2. Protection of Stone Kerbs

The existing stone kerbs on the Abercrombie Street frontage of the site are to be retained and properly protected during excavation and construction works.

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. 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. Note: all costs associated with the works are to be at no cost to the Council.

Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.

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.

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.

Council consent is required before kerbs are removed.

D3. Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

D4. 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 consent is given in writing by Council.

D5. Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of this consent 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.

D6. Site Notice

- a) 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.
- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i. 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;
 - ii. The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii. 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
 - iv. 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.

D7. 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.
- d) Works may be undertaken outside these hours where:
 - i. the delivery of materials is required outside these hours by the Police or other authorities;
 - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii. Variation is approved in advance in writing by Council.

D8. Construction Noise Management

- a) The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute)) so it does not exceed the background L_{A90} noise level by:
 - i. For the first four weeks of the construction period, not more than 20dB(A);
 - ii. From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - iii. For construction periods greater than 26 weeks, not more than 5dB(A).
- b) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- c) Any activities that have the potential for noise emissions that exceed levels included in part a), must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by Council.
- d) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- e) The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - i. 9.00 am to 12.00 pm, Monday to Friday;
 - ii. 2.00 pm to 5.00 pm Monday to Friday; and
 - iii. 9.00 am to 12.00 pm, Saturday.
- f) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by Council.

- g) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

D9. 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.

D10. Signage Location and Details

- a) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- b) The site notice board must include the following:
 - (i) contact person for the site;
 - (ii) telephone and facsimile numbers and email address; and
- c) site activities and time frames.

D11. Skips and Bins

No asbestos laden skips or bins are to be left in any public place without the consent of Council.

D12. 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.

D13. 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.

D14. Hazardous and Industrial Waste

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
- f) *Construction Work Involving Asbestos or Asbestos Cement 1983).*
- g) *The Occupational Health & Safety Regulation 2001.*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

D15. Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, consent 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.

D16. 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. Consent 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 consent 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.

D17. No Obstruction of Public Right of 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 Council to stop all work on site.

D18. 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.

D19. Use of Mobile Cranes

The following requirements apply:

- a) 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.
- b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- 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 consent of Council.

D20. 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 consent.

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.

D21. Street Tree Protection

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- c) Materials or goods, including site sheds, must not be stored or placed:
 - around or under the tree canopy; or
 - within two (2) metres of tree trunks or branches of any street trees.
- d) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- e) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, shall be carried out by a qualified Arborist (min AQF3) in accordance with AS4373-2007 Australian Standards 'Pruning of Amenity Trees' and the WorkCover Code of Practice for the Amenity Tree Industry.
- f) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and

End of Section

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

E1. 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. Subdivision

Prior to the issue of the Occupation certificate, the site shall be subdivided and registered with the Land and Property Information Division of the Department of Lands in accordance with the draft plans of subdivision submitted with the RtS.

E3. Easement for Public Access

Prior to issue of the Occupation Certificate, an easement for public access to the through site pedestrian link between Block 4S and Block 4N is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access to the public over the through site pedestrian link.

E4. Site Suitability- Remediation

Upon completion of the remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the PCA prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55 - Remediation of Land*. Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

E5. Acoustic Certification

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified practicing acoustic engineer must be provided to the Department that the development complies with Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007*.

E6. Signage for lift access

Prior to the issue of an Occupation Certificate, appropriate signage shall be installed in prominently visible locations surrounding the entry to the stairway of the northern through site pedestrian link advising of the availability and location of lift access for persons with a disability.

E7. 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 consent and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

E8. Sydney Water Compliance

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.

E9. Road Damage

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 Applicant/developer prior to the issue of any 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.

E10. Waste and Recycling Management

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the PCA must obtain Council's consent of the waste and recycling management facilities provided in the development and that a contract has been made with a licensed contractor for the removal of waste. The contract must detail that domestic waste collection is to occur within the site and that no garbage is to be placed on the public way e.g. footpaths, roadways or reserves at any time.

E11. Fire Safety Certificate to be Submitted

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

E12. Installation of Water Efficient Taps

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the consent of the Certifying Authority, prior to an Occupation Certificate being issued.

E13. Street Numbering- Major Development

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

E14. Plan of Management to be Submitted and Approved

A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate to minimise disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations, including Security Management.

The plan must include but is not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; handling complaints; and be generally in accordance with the preliminary operational plan of management submitted with the EIS.

The plan must be submitted to and approved by Council prior to an Occupation Certificate being issued. The plan must include as a minimum:

- Compliance with all other operational conditions of this consent.
- 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, except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion. 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.
- 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.
- Security management should be expanded to include relationships with surrounding hotels/motels/ businesses and residents.

- Students should be issued with information on how to contact Police, Ambulance and Fire Department (in translated formats, if requested), personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command.
- Safety and security measures for residents, handling complaints.
- Provision for security staff, to be available twenty-four hours a day, seven days a week.
- Provision for a member of the senior mentoring staff to be contactable twenty four hours a day, seven days a week.
- Provisions of communal areas and facilities, and access and facilities for people with disabilities.
- 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.
- Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
- The approved Plan of Management is thereafter to be complied with during the use of the premises.

E15. Laundry facilities

A minimum of twenty-eight (28) 9kg commercial washing machines and twenty-eight (28) 9kg commercial dryers are to be provided within the communal laundry and are to be installed and operational prior to the issue of an Occupation Certificate.

E16. Acoustic Compliance

Prior to the issue of an Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise Impact Assessment report prepared by Acoustic Logic as submitted with the EIS and RtS.

E17. Public Art

High quality art work must be provided within the development in publicly accessible locations, in accordance with the Public Art Policy, as approved by Council. 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.

E18. 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.

E19. 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 Consent. The models must be amended to reflect any further modifications to the consent that affect the external appearance of the building.

E20. 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 consent;
- 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 Consent; 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 consent that affect the location of any of the underground services or structures and/or external configuration of building above ground.

E21. Compliance with Food Code

The Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

E22. Bedroom furnishings

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

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

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, except in the case of studios where an additional visitor/guest will be permitted to stay overnight on occasion. 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 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, relevant restrictive and positive covenants are to be registered on the title of the premises to give effect to the matters referred to in paragraphs a) to f) above, to the satisfaction of Council;
- 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, if requested, so that it can be easily understood.

F2. Use of Communal Outdoor Terrace

Use of the terrace is restricted to residents of the development only. Resident access to the outdoor areas is to be restricted to between the hours of 7am and 10pm, 7 days a week. No amplified music shall be played on the outdoor terrace and staff shall manage noise levels in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic.

F3. No Speakers or Music Outside

Speakers must not be installed and amplified music, PA systems or the like, must not be played or used in any of the outdoor areas associated with the premises including the public domain.

F4. 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 site manager, and the number of occupants approved for the premises.

The following must be contactable 24 hours a day, seven days a week:

- A caretaker/manager
- Security personnel

- A member of the senior mentoring staff

The relevant contact details are to be contained in the Plan of Management identified under Condition E14 and be readily visible within the entry lobby/foyer of the student accommodation building.

The relevant contact details are to be contained in the Plan of Management identified under Condition E14 and be readily visible within the entry lobby/foyer of the student accommodation building.

The relevant out of hour's contact details are to be publically available on the website provided by the accommodation operator for the facility should one be available.

F5. 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.

F6. Waste Management

Waste Management shall be undertaken in accordance with the Waste Management Statement prepared by ARUP and submitted with the EIS.

F7. Noise- General

- The LAeq 15minutes noise level emitted from the use must 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 7.00am and 12.00 midnight when assessed 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 Australian Standard AS 1055.
- The LAeq 15minutes noise level emitted from the use must not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00 am when assessed 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 Australian Standard AS 1055.
- The use of the premise shall be controlled so that any emitted noise is at a level so as not to create and "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

F8. 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:

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

F9. Air Conditioners

The air conditioner/s must not:

- 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):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am and after 10.00pm on any other day; or
- 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, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

F10. Public Way to be Unobstructed

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

F11. 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 consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

F12. 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.

F13. 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, prepared by an independent qualified practitioner, are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

F14. 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. 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.

F15. Windows

All bedrooms (including those within apartments and individual studios) must have an operable window or panel to provide natural ventilation as required by the BCA.

End of Section

ADVISING 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 Consents 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 consents under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

AN3. Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional consents 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) A consent 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 a consent 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 consent and you should not construe this grant of consent 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 consent 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 consent 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 applicant 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 applicant. 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 applicant 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 this consent.

AN17. Other Details required prior to Issue of Subdivision Certificate

The applicant shall submit to the satisfaction of the consent 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 consent and of compliance (or a Compliance Certificate) with the conditions of that consent.

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 consent 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.
-