

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 382  
Thursday 29 March 2012  
Notice Date 23 March 2012

*minutes*

*city of villages*

## INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST .....	69
2. CONFIRMATION OF MINUTES .....	69
3. MATTERS ARISING FROM THE MINUTES.....	69
4. DEVELOPMENT APPLICATION: 26-58 ROTHSCHILD AVENUE ROSEBERY .....	69
5. STAGE 96(2) MODIFICATION: 29A AND 31 ULTIMO ROAD ULTIMO .....	82
6. STAGE 2 DEVELOPMENT APPLICATION: 29A AND 31 ULTIMO ROAD ULTIMO .....	85
7. DEVELOPMENT APPLICATION: 106-116 EPSOM ROAD ZETLAND.....	110
8. POST EXHIBITION – GREEN SQUARE TOWN CENTRE REVIEW OF PLANNING CONTROLS .....	111
9. CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES.....	113
10. GENERAL BUSINESS .....	113

### PRESENT

The Right Hon The Lord Mayor Councillor Clover Moore MP (Chair)

Members - The Hon Craig Knowles, Ms Helen Lochhead (Alternate Member), Councillor John McInerney, Mr Richard Pearson, Councillor Di Tornai, the Hon Robert Webster.

At the commencement of business at 7.03pm, those present were -

Mr Knowles, Ms Lochhead, Councillor McInerney, Mr Pearson, Councillor Tornai and Mr Webster.

The Director City Planning, Development and Transport and Director Legal and Governance were also present.

The Lord Mayor arrived at the meeting of the Central Sydney Planning Committee at 7.10pm, at the end of discussion on Item 6, and took the Chair.

### **Election of Chair**

Owing to advice received from the Lord Mayor, Councillor Clover Moore MP, of her late arrival at the meeting, an election for the position of Acting Chair was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988.

Nominations for the position of Acting Chair were called. One nomination was received and accepted by the candidate, as follows:

Councillor John McInerney - nominated by Mr Knowles, seconded by Mr Webster.

Councillor McInerney was declared elected and took the Chair at 7.04pm.

Carried unanimously.

### **ITEM 1 DISCLOSURES OF INTEREST**

#### **(a) Section 451 of the Local Government Act 1983**

No Member disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Central Sydney Planning Committee.

#### **(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008**

No disclosures were made by any members of the public at this meeting of the Central Sydney Planning Committee.

### **ITEM 2 CONFIRMATION OF MINUTES (S092508)**

Moved by Councillor Tornai, seconded by Mr Knowles -

That the minutes of the meeting of the Central Sydney Planning Committee of 8 March 2012, as circulated to Members, be confirmed.

Carried unanimously.

### **ITEM 3 MATTERS ARISING FROM THE MINUTES (S092508)**

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 8 March 2012.

### **ITEM 4 DEVELOPMENT APPLICATION: 26-58 ROTHSCHILD AVENUE ROSEBERY (D/2011/1420)**

The following person addressed the meeting of the Central Sydney Planning Committee - Mr James Harrison, JBA Urban Planning Consultants, representing Capital Corporation (the Applicant).

Moved by Mr Knowles, seconded by Ms Lochhead -

It is resolved that consent be granted subject to the following conditions:

### **SCHEDULE 1 - STAGE 1**

#### **(1) APPROVED DEVELOPMENT**

(a) Stage 1 development consent is granted only for:

- (i) Demolition of existing structures;
- (ii) Building envelopes for seven residential blocks;
- (iii) Basement car parking;
- (iv) An east-west public road reserve;
- (v) 5000sqm public park;

as detailed in the following drawings prepared by Turner and Associates and submitted with Development Application No. D/2011/1420 dated 9 September 2011:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA010 H	Turner and Associates	20.12.11
DA020 K	Turner and Associates	20.12.11
DA021 K	Turner and Associates	20.12.11
DA022 F	Turner and Associates	20.12.11
DA023 H	Turner and Associates	20.12.11
DA024 G	Turner and Associates	20.12.11
DA025 G	Turner and Associates	20.12.11
DA026 G	Turner and Associates	20.12.11
DA027 H	Turner and Associates	20.12.11
DA005 D	Turner and Associates	20.12.11
DA101 L	Turner and Associates	20.12.11

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### **(2) NOT APPROVED**

Consent is not granted for the following:

(a) Any construction, refurbishment and/or excavation;

- (b) The layout and number of residential units and car parking spaces;
- (c) The use of the residential units as serviced apartments or student accommodation;
- (d) The design of the building exteriors including facades or roof; and
- (e) Public domain and landscape design.

(3) **STAGE 2 TO BE CONTAINED WITHIN THE APPROVED ENVELOPE**

The detailed design developed under any future Stage 2 development application shall be contained within the building footprint and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified and compliant with all relevant planning controls.

(4) **BUILDING HEIGHT**

- (a) The height of the buildings must not exceed the following RLs:

	<b>RL to the Parapet of the Building</b>	<b>Height in Storeys</b>
<b>Block A</b>	40.8	6 storeys
<b>Block B</b>	41.3	6 storeys
<b>Block C</b>	50.1	8 storeys (plus attic)
<b>Block D</b>	35.1 41.3	5 storeys 6 storeys
<b>Block E</b>	41.3	6 storeys
<b>Block F</b>	41.3 35.1	6 storeys 4 storeys
<b>Block G</b>	28.9	3 storeys

- (b) All roof-top plant and associated equipment must be integrated into the building design

(5) **DEDICATION OF LAND**

A draft Plan of Subdivision of the site must be submitted as part of the Stage 2 Development Application. The Stage 2 development application will be subject to the construction of the new road being the extension of Crewe Place and the public park. The plan must include:

- (a) A public road reserve a minimum of 17m wide and splay corners and as otherwise shown on the Control Diagram Phase 01 Plan (DA020 K); and
- (b) The new public park with an area of 5000sqm located at the northern end of the site, as shown on the Control Diagram Phase 01 Plan (DA020 K).

(6) **SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE**

Any Stage 2 Development Application must comply with all aspects of SEPP 65 and the Residential Flat Design Code (RFDC). A detailed compliance table is to be submitted with any Stage 2 DA showing compliance with SEPP 65 and the RFDC in particular the “rules of thumb”.

(7) **NEW ROAD DESIGN**

- (a) This area is covered by a 40km/h speed zone. The new road is to be designed to accommodate the requirements associated with this restriction. This may involve the requirement for traffic calming treatments to be included. This will need to be investigated and included as part of the Stage 2 application.
- (b) The pedestrian crossing over Rothschild Avenue, adjacent to the new road, must remain as it provides a connection to the bus stops. The new road must be designed to ensure this crossing can remain in place. Details must be provided as part of the Stage 2 application.
- (c) The centre line of the new road should align with the centre line of Crewe Place. The new road must be designed to ensure this is the case. Details must be provided as part of the Stage 2 application.

(8) **SYDNEY AIRPORT CORPORATION**

The applicant/developer shall liaise and obtain approval from the Sydney Airport Corporation as part of any future Stage 2 Development Application.

(9) **PUBLIC DOMAIN PLAN**

The indicative Public Domain Plans accompanying this Development Application are not 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 as part of the future Stage 2 Development Applications.

The detailed plans must include the following:

- (a) proposed paving materials for footways, roads and parking bays;
- (b) proposed verge planting treatments and street tree species;
- (c) details of proposed water sensitive urban design treatments / tree pits;
- (d) dimensions showing footpath, verge and landscape setback widths;
- (e) maximise planted verge and tree planting opportunities to all frontages while maintaining adequate circulation to and from building entries and to and from parked cars;
- (f) justification for “special application” treatment (brick paving) to the proposed new road and footway.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and the draft Sydney Streets Design Code. 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.

(10) **ALIGNMENT LEVELS**

Indicative footpath and building alignment levels, prepared by a Registered Surveyor must be provided with the future Stage 2 Development Applications for all frontages of the site to demonstrate that optimum footpath cross-falls of not steeper than 2.5% can be achieved from the building line to the kerb.

(11) **LANDSCAPING OF THE SITE**

- (a) The Landscape Plan accompanying this Development Application has not been approved by this Stage 1 consent.
- (b) A detailed Landscape Plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted as part of the future Stage 2 Development Applications. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks and clear soil depths including mounding and heights and materials of retaining walls and planter boxes;
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance, in particular maintenance of proposed mounded planes if proposed to be turfed;
  - (v) Details of drainage, water-proofing and watering systems.

(12) **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".

(13) **FLOOD ASSESSMENT**

The development shall be constructed in accordance with the recommendations contained within the report prepared by Cardno, titled 26-56 Rothschild Avenue, Rosebery Flood Assessment dated 9 January 2012. Details shall be submitted to the Certifying Authority demonstrating that the development has been constructed in accordance with the recommendations contained within this report.

**(14) ACOUSTIC ASSESSMENT**

Any Stage 2 Development Application shall incorporate a detailed acoustic report from a suitably qualified acoustic consultant assessing the impact of noise emissions from the proposal. The report should include:

- (a) The identification of noise receivers potentially affected by the proposal;
- (b) The selection of a suitable assessment criteria from an appropriate Australian Standard, DEC Guideline or similar document recognised by the acoustic consultants' profession;
- (c) Assessment of the existing acoustic environment at the receiver locations in accordance with AS1055-1997 'Acoustic - Description and Measurement of Environmental Noise' and current DEC Guidelines;
- (d) The identification of future and/or existing operations from the proposed use giving rise to the emission of noise and prediction of resultant noise at the identified receiver locations. The method of noise prediction shall be justified and include an evaluation of prevailing atmospheric or other conditions that may promote noise propagation; and
- (e) A statement that the proposed use is capable of complying with the design criteria together with details of any necessary acoustic control measures that will be incorporated into the development or use.

**(15) SUBSTATIONS**

The location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 development application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape.

**(16) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover. Detailed design must be submitted as part of any future Stage 2 application.

**(17) LOCATION OF DRIVEWAYS**

The access driveway for the site must not be closer than:

- (a) 10 metres from the kerb line of the nearest cross street/lane.
- (b) 20 metres from the kerb line of the nearest signalised cross street/lane.
- (c) 1 metre from the property boundary of the adjacent site.
- (d) 2 metres from any other driveway.

Detailed design is to be considered as part of any future Stage 2 application.



**(18) WASTE COLLECTION AND SERVICE VEHICLES**

The stage 1 application indicates waste collection and larger removal vehicles will require loading to occur from the kerb side spaces. As part of the stage 2 applications the applicant must include a detailed review of all the options to provide for these vehicles within the site to show why on-street is the only option.

**SCHEDULE 1A - DEMOLITION****APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

**(19) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1420 dated 9 September 2011 and the following drawings:

Drawing Number	Plan Name	Date
DA01	Demolition Plan	8.12.11
DA02	Site Establishment – Demolition Plan	8.12.11

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(20) RETENTION OF SLABS**

This consent allows for the removal of all structures on the site with the exception of the concrete slabs and hardstand areas on the site, the electricity substation, and the trees which must all be retained.

Should the slabs be damaged or disturbed at any point during the demolition works, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether contaminants have been disturbed and if preventative works need to be undertaken. A written statement prepared by the Environmental Consultant shall be provided to Council detailing the outcome of these investigations.

**(21) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signage including marketing graphics (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

**(22) NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

**SCHEDULE 1B**

**PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

- (23) ASBESTOS REMOVAL**
- (24) ASBESTOS REMOVAL SIGNAGE**
- (25) CLASSIFICATION OF WASTE**
- (26) DISPOSAL OF ASBESTOS**
- (27) NOTIFICATION OF ASBESTOS REMOVAL**
- (28) PROHIBITION OF ASBESTOS RE-USE**
- (29) SIGNAGE LOCATION AND DETAILS**
- (30) SKIPS AND BINS**
- (31) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (32) DILAPIDATION REPORT - MAJOR DEMOLITION**
- (33) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by Council.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).
- (c) The erosion and sediment control measures must remain on site at the completion of the demolition works to control stormwater run off from

the slabs remaining on the site and prevent stormwater run off onto adjoining sites.

**(34) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(35) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Prior to any demolition works, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (b) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$417,500 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$417,500 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - a. make the building safe and of an appearance acceptable to Council at ground level;
    - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or

- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (c) If the site is commenced to be developed and there is suspension in activity for 12 months (or suspensions of activity which in the aggregate exceed 12 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (b) (iii) a - d to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (d) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 - Issue of the Final Occupation Certificate.
- (e) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (f) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(36) **BARRICADE PERMIT**

(37) **FOOTPATH DAMAGE BANK GUARANTEE**

**(38) STREET TREE HOARDING PROTECTION**

Street trees must be protected during the erection of hoardings and demolition works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must:
  - (i) be installed by a qualified arborist (AQF Level 3); and
  - (ii) include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding.
- (b) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches.
- (c) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the demolition works.

**(39) TREE PROTECTION DURING DEMOLITION**

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

**SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

**SCHEDULE 3****TERMS OF APPROVAL - TO FORM PART OF ANY STAGE 2 APPLICATION**

The Terms of Approval for Integrated Development as advised by the Department of Primary Industries - NSW Office of Water are as follows:

**NOTE: These terms do not represent any form of authorisation for the extraction of groundwater**

**1. General and Administrative Issues**

- a. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
- b. Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.

- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
- e. Suitable documents are to be supplied to the NSW Office of Water of the following:
  - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
  - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
  - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
  - Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
  - Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

## **2. Specific Conditions**

- a. The design and construction of the structure must preclude the need for permanent dewatering.
- b. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/- 1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- g. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
  - The treatment to be applied to the pumped water (tailwater) to remove any contamination.
  - The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
  - The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
- h. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
  - Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.

- Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- Locations of settlement monitoring points, and schedules of measurement.

### 3. Formal Application Issues

- An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- Upon receipt of a Development Consent from Council of the City of Sydney, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the Water Act, 1912.
- A licence application under Part 5 of the Water Act 1912 must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

Carried unanimously.

#### ITEM 5 SECTION 96(2) MODIFICATION: 29A AND 31 ULTIMO ROAD ULTIMO (D/2000/559/A)

Moved by Councillor Tornai, seconded by Mr Webster -

It is resolved that consent be granted for the proposed modification to the building envelope at 29A and 31 Ultimo Road, Ultimo, and that the approved development description as well as Condition 1 within D/2000/559 be modified (with changes shown in ***bold italics*** and ~~strikethrough~~) as follows:

#### Approved Development Description

Stage 1 development application for the construction of a four storey predominantly below ground substation structure with a 12 storey office building above and associated basement car parking for ~~34~~ **25** cars and as described in Schedule 3.

#### SCHEDULE 1A

#### Approved Development/ Design Modifications/Covenants and Contributions/ Use and Operation

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.



**APPROVED DEVELOPMENT**

(1) Stage 1 development consent is granted for:-

- (a) the design of the structure of the substation and car parking for ~~34~~ **25 cars and 3 service** vehicles (excluding external architectural treatment and finishes);
- (b) the arrangement of uses within the development;
- (c) the maximum floor space ratio of the development;
- (d) the maximum height of the building and its envelope and massing; and
- (e) survey, demolition, excavation and construction of the substation component;

as detailed in the submitted Development Application D2000/00559 dated 30 June 2000, the associated Statement of Effects documents Volume 1 and Volume 2 prepared by The Cox Group Pty Ltd and dated June 2000, and the following plans prepared by the Cox Group Pty Ltd:-

<b>Plan No</b>	<b>Date</b>
A-001 Site Plan	28 June 2000
A-002 Site services Plan	28 June 2000
A-003 B3 Plan	28 June 2000
A-004 B2 Plan	28 June 2000
A-0005 B2 Mezzanine Plan	28 June 2000
A-006 B1 Plan	28 June 2000
A-007 Foyer Plan	28 June 2000
A-008 Mezzanine Plan	28 June 2000
A-009 Level 1 Plan Issue B	29 August 2000
A-010 Typical Floor Plan	28 June 2000
A-011 Roof Plan	28 June 2000
A-012 West East Section	28 June 2000
A-013 North South Section	28 June 2000
A-014 West Elevation	28 June 2000
A-015 North Elevation	28 June 2000
A-016 South Elevation	28 June 2000
A-017 East Elevation	28 June 2000

Drawing Number	Architect	Date
<b>DA 01.001 rev 2</b>	<b>Bates Smart</b>	<b>01.03.12</b>
<b>DA 01.002 rev 2</b>	<b>Bates Smart</b>	<b>01.03.12</b>
<b>DA 01.003 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>
<b>DA 01.004 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>
<b>DA 01.005 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>
<b>DA 01.006 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>
<b>DA 01.007 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>
<b>DA 01.008 rev 1</b>	<b>Bates Smart</b>	<b>25.10.11</b>

except as amended by the following conditions:-

### BUILDING ENVELOPE

- (2) The approved building envelope is defined generally as follows:-
- (a) Maximum height of ~~46.6m above~~ **50m (RL 59.437) at roof level (ridge line) and 50.5m (RL 59.9) to the top of the lift core at Thomas Street and the Ultimo Pedestrian Network (RL 56);**
  - ~~(b) Maximum street wall height excluding architectural roof features to Thomas Street and the Ultimo Pedestrian Network of 41.6m (RL 51);~~
  - (b) Maximum height of 54.5m (RL 59.437) at roof level (ridge line) and 55m (RL 59.9) to the top of the lift core at Ultimo Road;**
  - ~~(c) Maximum street wall height excluding architectural roof features to Ultimo Road of 46.1m (RL 51);~~
  - (d) Minimum set back of commercial tower from the east boundary 5.3m.

### FLOOR SPACE RATIO

- (5) The following applies to Floor Space Ratio (FSR):-
- (a) The FSR of that part of the development contained within the boundary of the ~~Central Sydney Local Environmental Plan 2005~~ **1996** shall not exceed ~~10.03:1~~ **8.99:1** calculated in accordance with that plan. For the purpose of the calculation of FSR, the Floor Space Area of the development is ~~17,715 sqm~~ **21,658sqm including the substation.**
  - (b) A Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, on completion of the construction of the office tower and prior to its occupation.

### BUILDING HEIGHT

- (6)
- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed ~~RL 56~~ **RL 59.9** (excluding architectural roof features).

- (b) A Registered Surveyor shall provide certification of the height of the building on completion of the construction of the office tower and prior to its occupation.

### SCHEDULE 3

#### Details of Approved Development

<b>Building Height</b>	50m <b>55m</b>
Building Height (RL AHD)	RL 56 <b>RL 59.9</b>
<b>Floor Space Ratio (LEP 1996 part of site)</b>	10.03:1 <b>8.99:1</b>
Floor Space ( <del>LEP 1996 part of site</del> )	17,715 sqm <b>21,658 sqm</b>
<b>Total Parking Spaces (maximum)</b>	34 <b>25 cars plus 3 servicing</b>

Carried unanimously.

#### ITEM 6 STAGE 2 DEVELOPMENT APPLICATION: 29A AND 31 ULTIMO ROAD ULTIMO (D/2011/1783)

Moved by Councillor Tornai, seconded by Mr Webster -

It be resolved that consent be granted subject to the following conditions:

#### SCHEDULE 1A

#### Approved Development/ Design Modifications/Covenants and Contributions/ Use and Operation

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2011/1783 dated 3 November 2011 and [the following drawings:

Drawing Number	Drawing Title	Architect
DA01.101 rev 2	Site Plan	Bates Smart
DA03.100 rev 2	Basement 1 Plan	Bates Smart
DA03.101 rev 2	Lobby Plan	Bates Smart
DA03.102 rev 1	Plant Level	Bates Smart
DA03.103 rev 1	Typical Level 1, 4	Bates Smart

<b>Drawing Number</b>	<b>Drawing Title</b>	<b>Architect</b>
DA03.104 rev 1	Typical Level 2-3	Bates Smart
DA03.105 rev 1	Typical Level 5-6	Bates Smart
DA03.106 rev 1	Typical Level 7-9	Bates Smart
DA03.107 rev 2	Roof Plan	Bates Smart
DA07.001 rev 2	East Elevation	Bates Smart
DA07.002 rev 2	North Elevation	Bates Smart
DA07.003 rev 2	South Elevation	Bates Smart
DA07.004 rev 2	West Elevation	Bates Smart
DA08.001 rev 2	Cross Section	Bates Smart
DA08.002 rev 2	Section BB – Long Section	Bates Smart
DA09.001	North Elevation Signage Strategy	Bates Smart
DA09.002	South Elevation Signage Strategy	Bates Smart
DA09.003	West Elevation Signage Strategy	Bates Smart

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) DESIGN QUALITY EXCELLENCE**

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project; and
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Director City Planning Development and Transport.

**(3) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 59.437 (AHD) to the roof level and RL 59.9 (AHD) to the top of the lift core.
- (b) Prior to occupation of any part of the commercial building, a Registered Surveyor must provide certification that the height of the building accords with (a) above.

**(4) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 8.99:1 calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 21,658sqm, which includes the substation.
- (b) Prior to occupation of any part of the commercial building, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent.

**(5) USE - SEPARATE DA REQUIRED**

A separate development application for the fitout and use of the retail/ food tenancies must be submitted to and approved by Council prior to that fitout or use commencing.

**(6) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO WORKS COMMENCING ON SITE**

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002 in accordance with the following:

- (a) Prior to works commencing on site, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) Prior to payment of the contribution, written verification by the City of Sydney of the specific amount payable is to be obtained. This verification is to be submitted with the payment. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions)

documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

**(7) LOT CONSOLIDATION**

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to occupation of any part of the commercial building.

**(8) SUBDIVISION**

- (a) Any proposal to subdivide the site to separate the Substation from the commercial/retail components of the building will require separate applications to Council to obtain Development Consent for the proposal and subsequent approval of the final Plan of Subdivision and endorsement of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.
- (b) Any proposal to Strata subdivide part of the building and site will require separate applications to obtain Development Consent from Council and subsequent approval of the final Strata plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

**(9) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION**

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service car spaces, are not to be used other than by an occupant or tenant of the subject building.

**(10) 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 City's "Development Specification for Civil Works Design and Construction".

**(11) BICYCLE FACILITIES**

A bicycle facilities room must be provided close to staff / employee bicycle parking and include:

- (a) showers with change area; and
- (b) personal lockers.

**(12) BICYCLE PARKING**

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

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

**(13) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 25 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.

**(14) COST OF SIGNPOSTING**

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

**(15) LOADING WITHIN SITE**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

**(16) LOADING/PARKING KEPT CLEAR**

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

**(17) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

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

**(18) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 6m.

**(19) SERVICE VEHICLES**

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities.

**(20) STACKED PARKING EMPLOYEES OR TENANTS ONLY**

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to occupation of any part of the commercial building. The moving of stacked vehicles must occur wholly within the property.

**(21) 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 agreed to by the Sydney Traffic Committee prior to any work commencing on site.

**(22) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(23) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

**(24) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in the acoustic report prepared by Renzo Tonin dated 21<sup>st</sup> October 2011, must be implemented during construction and use of the premises, including the following:



- (a) Sections 4.3 (Glazing Design Recommendations) and 4.4 (Facade & Roof Sound Insulation) of the report, which should be fully implemented in accordance with the report prior to any occupation of the commercial building. A statement is required from an appropriately qualified acoustic consultant 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, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to any occupation of the commercial building.

**(25) NOISE - USE (GENERAL)**

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
  - (i) 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 receiver.
  - (ii) The LAeq,15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
  - (iii) 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.
- (b) Internal to Internal commercial amenity criteria

An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;

  - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
  - (ii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.
- (c) 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.
- (d) 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, 15minute noise level measured in the absence of all noise from the site.

**(26) REFLECTIVITY**

The visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**(27) REMOVAL OF GRAFFITI**

The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

**SCHEDULE 1B**

**Prior to Commencement of Work/Health and Building**

**(28) LIGHTING**

The lighting of all areas which are to be used by the public must comply with AS/NZS 1158.3.1

Lighting is to be designed in accordance with the City of Sydney's policies including the 'Public Domain Manual', 'Parks Technical Manual' and the Sydney Lights Design Code' and must be submitted to Council for approval prior to works commencing on site.

**(29) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed must be submitted to and approved by Council prior to the erection or display of any such signs.

**(30) 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 works commencing on site. Installation of the art work must be completed to Council's satisfaction prior to occupation of any part of the commercial building.

**(31) RECEPTACLES FOR CIGARETTE BUTTS**

Provision must be made on the site for the disposal of cigarette butts, adjacent to each of the entrance/s to the building. Prior to works commencing on site, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:

- (a) be located entirely on private property and must not be located on or over Council's footpath;
- (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
- (c) be appropriately secured to the building;

The emptying and maintenance of the receptacle/s must be done on a daily basis and is the responsibility of the building owner/manager.

### **(32) PUBLIC DOMAIN PLAN**

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 approved by Council prior to works commencing on site 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. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before occupation of any part of the commercial building 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.

### **(33) ALIGNMENT LEVELS**

- (a) Prior to works commencing on site, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the construction plans.

### **(34) LANDSCAPING OF THE SITE**

- (a) The Landscape Plan accompanying this Development Application has not been approved by this consent.
- (b) A detailed Landscape Plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to works commencing on site. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance;

- (v) Details of drainage and watering systems.

All landscaping in the approved plan is to be completed prior to occupation of any part of the commercial building.

- (c) Prior to works commencing on site, a maintenance plan is to be submitted for approval by Council and be complied with during occupation of the property.

### **(35) FOOTPATH DAMAGE BANK GUARANTEE**

A Footpath Damage Bank Guarantee calculated on the basis of an area of 135sqm of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to works commencing on site.

### **(36) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

On-site detention, treatment and re-use is encouraged.

- (a) Prior to works commencing on site, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details 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 works commencing on site 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 works commencing on site.
- (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.

### **(37) 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).

**(38) 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".

**(39) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to any new building work commencing, 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 (Works-as-Executed) documentation, certification and defects liability period.

**(40) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to works commencing on site, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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.

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 suitable 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;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney 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.

**(41) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**

Prior to works commencing on site, a qualified practising certified structural engineer must provide structural details and a Structural Certificate for Design and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

**(42) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING - ALTERATIONS AND ADDITIONS**

A qualified practising certified structural engineer must provide structural certification verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to works commencing on site. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

Note: Where a condition of consent has been imposed under the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the building (part or whole) may be required to comply fully with Part B1 of the of the Building Code of Australia including compliance with the earthquake loads standard, AS1170.4.

**(43) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

(a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:

- (i) Structural provisions - Part B1;
- (ii) Fire resistance and stability - Part C1;
- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to works commencing on site.

- (viii) Fire fighting equipment - Part E1;

- (ix) Smoke hazard management - Part E2;
  - (x) Lift installation - Part E3;
  - (xi) Emergency lighting, exit signs and warning systems - Part E4;
  - (xii) Damp and weatherproofing - Part F1;
  - (xiii) Sanitary and other facilities - Part F2;
  - (xiv) Room sizes - Part F3;
  - (xv) Light and ventilation - Part F4;
  - (xvi) Energy Efficiency - Building fabric - Part J1;
  - (xvii) Energy Efficiency - External glazing - Part J2;
  - (xviii) Energy Efficiency - Building sealing - Part J3;
  - (xix) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
  - (xx) Energy Efficiency - Artificial lighting and power - Part J6;
  - (xxi) Energy Efficiency - Hot water supply - Part J7;
  - (xxii) Energy Efficiency - Access for maintenance - Part J8;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person illustrating how the relevant performance requirements of the BCA are to be satisfied.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

#### **(44) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

**(45) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to Council for all of the items listed in the Fire Safety Schedule prior to occupation of any part of the commercial building.

**(46) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to works commencing on site.

**(47) ROAD OPENING PERMIT**

A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

**(48) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (a) 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:-
  - (i) 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).
  - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux 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.



- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must 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.
- (c) 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.

**(49) 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.

**(50) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by Council prior to works commencing on site. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to occupation of any part of the commercial building, waste handling works must be completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

**(51) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN.**

A site specific noise management plan shall be submitted to the Council for comment and approval prior to works commencing on site.

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) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high

noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) 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 particularly during the demolition and excavation phases.
- (e) Confirmation of noise 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.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) 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.

## **(52) RAINWATER HARVESTING & RAINWATER TANKS**

- (a) Use
  - (i) Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.
- (b) Installation requirements
  - (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

Rainwater tanks shall be designed to include, but not be limited to the following:-

- (ii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (iv) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (v) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vi) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (viii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (ix) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
- (x) Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.
- (xi) Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
- (xii) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

- (c) Proximity to other services
  - (i) That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe
- (d) Marking and labelling
  - (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
  - (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
  - (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.
- (e) Maintenance
  - (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
  - (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

### **(53) ELECTROMAGNETIC FIELDS**

The design and construction of the substation building and the layout and design of the substation plant and equipment shall be such as to ensure that compliance with National Health and Medical Research Council Interim Guidelines on limits for exposure to 50/60Hz Electrical and Magnetic Fields 1989 will be achieved and that the impact of power frequency electric and magnetic fields on the adjoining and surrounding properties will be minimised.

### **(54) ASBESTOS REMOVAL**

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission

(NOHSC): "Code of Practice for the Safe Removal of Asbestos" and the City of Sydney Asbestos Policy.

**(55) AIR HANDLING**

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with AS 1668.2.

**(56) CONTROL OF LEGIONNAIRES DISEASE**

- (a) The Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and NSW Health Code of Practice for the Control of Legionnaires Disease include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) The owner or occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation. Registration forms are available from Council.

**(57) MICROBIAL CONTROL**

- (a) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000.
- (b) A true copy of the annual certificate as stipulated in clause 9(2) of the Public Health (Microbial) Regulation 2000 which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.
- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the Public Health (Microbial Control) Regulation 2000.

**(58) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

**(59) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

**(60) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia.
- (c) Prior to occupation of any part of the commercial building and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia.

**(61) ENERGY EFFICIENCY OF BUILDINGS**

The design of the building and its services must achieve a rating of 4.5 stars under the NSW Department of Environment, Climate Change and Water's National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement<sup>(i)</sup> with DECCW, to deliver this star rating<sup>(ii)</sup> for the base building<sup>(iii)</sup>, being services traditionally supplied as 'common' to tenants<sup>(iv)</sup>, such as air conditioning, lifts and common area lighting) or for the whole building<sup>(v)</sup> where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement prior to commencement of works; and
- (b) Providing a copy of the independent energy assessment report to DECCW and submitted with the Construction Certificate application, that follows the current DECCW guidelines.

Note: Definitions referred to in clause 1(a) above:

- (c) "Commitment Agreement" means an agreement that is set out in accordance with DECCW's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between DECCW and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
  - (i) "Star rating" refers to the benchmarking system applied by DECCW for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.

- (ii) “Base building” means central services and common areas of a building.
- (iii) “Tenancies” means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (d) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.
- (e) Prior to the issue of an Occupation Certificate for Legion House, documentary evidence shall be provided to Council verifying that the proposed works and fit-out have achieved a 5 Star Green Star- Office Design v3 Certified Rating as defined by the Green Building Council of Australia.

**(62) 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).

**(63) 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).

**(64) 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.

**(65) INTERNAL LIGHTING SYSTEM**

The proposed internal lighting system for the commercial office spaces 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.

**(66) TOILETS AVAILABLE FOR USE BY PUBLIC**

Provision shall be made for the inclusion of toilet facilities at ground floor level of the building. Such facilities shall be located adjacent to the entrance foyer or lift lobby and shall remain available for public use during the normal opening hours of the building. The facilities shall be signposted.

**(67) PHYSICAL MODELS**

- (a) Prior to works commencing on site, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

- (b) Prior to occupation of any part of the commercial building, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://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 consulted prior to the construction of the model for City Exhibition Space.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(68) SUBMISSION OF ELECTRONIC MODELS**

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

The data is to be submitted as a DGN or DWG file on physical media (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 Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

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



[ide/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.

- (e) Prior to occupation of any part of the commercial building, 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 Environmental Planning and Assessment Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

## **SCHEDULE 1C**

### **During Construction/Prior to Occupation/Completion**

#### **(69) HOURS OF WORK AND NOISE - CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

#### **(70) ENCROACHMENTS - NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

#### **(71) ENCROACHMENTS - PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

#### **(72) SURVEY**

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and

report must be completed indicating the position of external walls in relation to the boundaries of the allotment.

**(73) SURVEY CERTIFICATE AT COMPLETION**

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

**(74) 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.

**(75) PROTECTION OF STREET TREES DURING CONSTRUCTION**

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order.

Details of the methods of protection must be submitted to and be approved by Council prior to works commencing on site. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

**(76) 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.

**(77) STREET NUMBERING - MAJOR DEVELOPMENT**

Prior to occupation of any part of the commercial building, 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.

**(78) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the occupation of any part of the commercial building.

**(79) SYDNEY WATER CERTIFICATE**

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 Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing

Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to Council prior to occupation of any part of the commercial building or subdivision/strata certificate being issued.

#### **(80) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council’s “Driveway Specifications” to the satisfaction of Council.

#### **(81) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) 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.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to 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.
- (d) 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.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

#### **(82) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(83) 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.

**SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

Carried unanimously.

**ITEM 7 DEVELOPMENT APPLICATION: 106-116 EPSOM ROAD ZETLAND (D/2011/1760)**

Moved by Mr Knowles, seconded by Councillor McInerney -

It is resolved that development consent be refused for the following reasons:

- (1) The proposal is contrary to Clause 5 of the Environmental Planning and Assessment Act 1979, as it does not satisfy the requirement for the promotion and co-ordination of the orderly and economic use and development of land. The development does not have regard to the long-term strategic vision for the Green Square Urban Renewal Area, in particular the Epsom Park precinct;
- (2) The proposed development is contrary to Clause 27C of South Sydney LEP 1998. In particular, the proposed Stage One development is not supported in lieu of a masterplan for the site;
- (3) The applicant has selected controls from the existing South Sydney DCP and the Draft Sydney LEP to maximise height and FSR across the site. This approach is not supported as it is not in the best interest of the redevelopment of the Epsom Park precinct.
- (4) The location of the proposed Block D on the rear portion of the site will unreasonably prevent the delivery of the future Epsom Park, which is projected to have a critical recreational and stormwater detention role;

- (5) The proposed development is contrary to the height and floor space ratio provisions of South Sydney Development Control Plan 1997 - Urban Design (Part G: Special Precinct No. 9 – Green Square). In particular, it relies on the maximum amount of bonus floor space (2.5:1), yet fails to provide an appropriate public domain package;
- (6) No bonus floor space can be applied to this development because it fails to provide an acceptable design outcome for the site and the proposed public benefits are insufficient. Therefore, the applicable base FSR is 1.5:1 under the current controls. The Draft LEP reduces this to 1:1;
- (7) The proposed street configuration for the site is inconsistent with the Draft Sydney DCP 2010. It will restrict the future functioning of the street network for the entire precinct;
- (8) The proposed building envelopes, in particular Block D, does not reflect the building layouts for the site and surrounding area, as provided in the Draft DCP;
- (9) The applicant has not adequately addressed the impact of the development on flooding and stormwater. This includes the impact on adjoining properties and the down stream catchment;
- (10) The applicant has failed to address the findings of the submitted acoustic report, which states that the development will be detrimentally affected by the Optus telecommunications exchange located directly opposite the subject site;
- (11) The proposed access road connecting the front portion of the site to the rear portion is inadequate. At its narrowest point it is 4.9 metres wide, which is consistent with the width of a driveway rather than a scale suitable for use as a public road. The Draft DCP requires this street to be between 23 and 25 metres wide; and
- (12) Granting of consent to the proposed development would not be in the public interest.

Carried unanimously.

**ITEM 8 POST EXHIBITION - GREEN SQUARE TOWN CENTRE REVIEW OF PLANNING CONTROLS (S075221)**

Moved by Councillor McInerney, seconded by the Chair (the Lord Mayor) -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of the Draft Green Square Town Centre Development Control Plan 2012 and the Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, as summarised in Attachment C to the subject report;

- (B) approve the revised Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, March 2012, as shown at Attachment A to the subject report, for submission to the Director-General of the Department of Planning and Infrastructure to request a local environmental plan be legally drafted and made, in accordance with Sections 58 and 59 of the Environmental Planning and Assessment Act 1979;
- (C) delegate authority to the Chief Executive Officer to make any minor amendments and corrections to the Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, March 2012, to finalise matters prior to submission to the Department of Planning and Infrastructure;
- (D) note the recommendation to the Council’s Planning Development and Transport Committee at their meeting on 26 March 2012 for Council to approve the Draft Green Square Town Centre Development Control Plan 2012, as shown at Attachment B to the subject report; and
- (E) note the recommendation to the Council’s Planning Development and Transport Committee at their meeting on 26 March 2012 for Council to delegate authority to the Chief Executive Officer to make any minor amendments and corrections that may be required as a result of Council’s consideration of the Draft Green Square Town Centre Development Control Plan 2012.;
- (F) approve changes to the Planning Proposal at Attachment A to the subject report consisting of amendments to:
- (i) Table 1: Breakdown of Current Town Centre LEP and Proposed Gross Floor Area (GFA) on page 12 of the Planning Proposal, being amended to show for the “John Newell Pty Ltd” site at 301-303 Botany Road, a maximum FSR with design excellence of 7.205:1 and a maximum GFA with design excellence of 39,404 square metres, and consequential amendments to the totals calculated in the table; and
- (ii) Appendix B: LEP Provisions Drafting Advice, Part 6, Clause 6.21 Design Excellence on page 7, being amended by the deletion of the following text:
- “The site at 301-303 Botany Road, Zetland (Lot 2 DP1015633) is to be excluded from the application of this clause”.
- and the insertion of the following text:
- “Additional GFA accessed through design excellence must not result in any additional height or overshadowing of the public domain”.

- (G) note and welcome the commitment from the State Government to ensure public transport capacity in the vicinity of Ashmore and Harold Park urban renewal sites is increased as development proceeds and new residents move in and would welcome confirmation of a similar commitment for Green Square.

Carried unanimously.

Note - The Chair (the Lord Mayor) commended all those involved on the work undertaken on this matter.

**ITEM 9 CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES -  
UPDATE (S071107)**

There was no discussion on this matter at the meeting of the Central Sydney Planning Committee.

**ITEM 10 GENERAL BUSINESS (S092508)**

No items of General Business were raised at the meeting of the Central Sydney Planning Committee.

The meeting concluded at 7.15pm.

CHAIR