

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 385
Thursday 26 July 2012
Notice Date 20 July 2012

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST	151
2. CONFIRMATION OF MINUTES	151
3. MATTERS ARISING FROM THE MINUTES.....	152
4. DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE.....	152
5. REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY COUNCIL	214
6. SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE.....	214
7. PLANNING PROPOSAL TO RECLASSIFY 1A NEWCOMBE STREET PADDINGTON FROM COMMUNITY LAND TO OPERATIONAL LAND	214
8. CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES - UPDATE	214
9. GENERAL BUSINESS	215

PRESENT

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

Members - The Hon Craig Knowles, Councillor John McInerney, Mr Richard Pearson, Councillor Di Tornai, the Hon Robert Webster

At the commencement of business at 6.00pm, those present were -

The Lord Mayor, Mr Knowles, Councillor McInerney, Mr Pearson, Councillor Tornai, Mr Webster.

The Chief Executive Officer and Director City Planning, Development and Transport were also present.

Adjournment

At 8.25pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

That the meeting of the Central Sydney Planning Committee be adjourned for a short period of time.

Carried.

At the resumption of the meeting of the Central Sydney Planning Committee at 8.45pm, those present were:

The Lord Mayor, Mr Knowles, Councillor McInerney, Mr Pearson, Councillor Tornai and Mr Webster.

Apologies

Mr Peter Poulet extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

Ms Helen Lochhead, alternate member, extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

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

That the apologies from Mr Poulet and Ms Lochhead be received and leave of absence from the meeting be granted.

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.

ITEM 2 CONFIRMATION OF MINUTES (S092508)

Moved by Councillor Tornai, seconded by Councillor McInerney -

That the minutes of the meeting of the Central Sydney Planning Committee of 21 June 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 21 June 2012.

ITEM 4 DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE (D/2011/1298)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Jamie Parker MP, Councillor the Hon Dr Meredith Burgmann, Mr Peter Mitchell, Mr Geoff Thomas, Mr Gordon Williams, Ms Maria Moraitakis, Ms Katina Comino, Mr Nicholas Mench, Ms Christine O'Flynn, Mr Peter Gowers, Mr Andrew Rolfe, Mr Warren Moss, Mr Neil Macindoe OAM, Mr Peter Orinuela, Ms Alison McCarthy, Mr Dimitrios Kapeleris, Ms Rene Dunshan, Mr Mark Gordon, Ms Virginia McNamara, Mr Stuart Penklis.

Moved by Councillor McInerney, seconded by Mr Knowles -

It is resolved that consent be granted subject to the conditions of consent found at Attachment A to the subject report, and as amended at the meeting of the Central Sydney Planning Committee.

The Conditions of Consent, as adopted by the Central Sydney Planning Committee, are as follows:

CONDITIONS OF CONSENT:**SCHEDULE 1****(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1298 dated 17 August 2011 and Statement of Environmental Effects prepared by JBA planning, dated July 2011 and the following drawings, as amended by the conditions of this consent:

Masterplan Documentation prepared by Mirvac / Hassell:

Dwg. No. DA-MP-000	Rev E	Title Sheet	Dated 18.05.12
Dwg. No. DA-MP-001	Rev F	Existing Site Context	Dated 18.05.12
Dwg. No. DA-MP-002	Rev F	Existing Site Analysis	Dated 18.05.12
Dwg. No. DA-MP-003	Rev F	Indicative Staging Plan	Dated 18.05.12
Dwg. No. DA-MP-004	Rev G	Site Plan (Ground)	Dated 18.05.12
Dwg. No. DA-MP-005	Rev G	Building Setback - Lower Level	Dated 18.05.12
Dwg. No. DA-MP-006	Rev F	Building Setback - Mid Level	Dated 18.05.12
Dwg. No. DA-MP-007	Rev F	Building Setback - Upper Level	Dated 18.05.12
Dwg. No. DA-MP-008	Rev F	Building Levels Plan	Dated 18.05.12
Dwg. No. DA-MP-009	Rev E	Site Plan (Roof)	Dated 18.05.12
Dwg. No. DA-MP-010	Rev D	Deep Soil Zones	Dated 18.05.12

Dwg. No. DA-MP-011	Rev J	Site Sections 1	Dated 26.06.12
Dwg. No. DA-MP-012	Rev G	Setback Sections 1	Dated 26.06.12
Dwg. No. DA-MP-013	Rev G	Setback Sections 2	Dated 26.06.12
Dwg. No. DA-MP-014	Rev D	Site Sections 2	Dated 26.06.12
Dwg. No. DA-MP-015	Rev E	Site Sections 3	Dated 26.05.12
Dwg. No. DA-MP-016	Rev D	Setback Sections 3	Dated 26.06.12
Dwg. No. DA-MP-017	Rev A	Site Elevations	Dated 04.07.12
Dwg. No. DA-MP-023	Rev B	Site Section Precinct 6	Dated 26.06.12
Dwg. No. DA-MP-031	Rev C	3D Massing	Dated 26.06.12

Levels Plan prepared by ADW Johnson:

Dwg. No. 9175	Rev C	Revised Site Levels	Dated 12.04.12
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Engineering Infrastructure and Services Documentation prepared by ADW Johnson:

Dwg. No. 9001-3	Rev C	Title Sheet, Locality Plan and Index of Drawings	Dated 13.06.12
Dwg. No. 9003-3	Rev C	Site Plan - Proposed Development	Dated 13.06.12
Dwg. No. 9020-3	Rev C	Detail Plan of Existing features and Contours	Dated 13.06.12
Dwg. No. 9021-3	Rev C	Existing Features and Contours - Detail 1	Dated 13.06.12
Dwg. No. 9022-3	Rev C	Existing Features and Contours - Detail 2	Dated 13.06.12
Dwg. No. 9023-3	Rev C	Existing Features and Contours - Detail Sheet 3	Dated 13.06.12
Dwg. No. 9024-3	Rev C	Existing Features and Contours - Detail Sheet 4	Dated 13.06.12
Dwg. No. 9100-3	Rev C	Overall Plan	Dated 13.06.12
Dwg. No. 9101-3	Rev C	Detail Plan - Sheet 1	Dated 13.06.12
Dwg. No. 9102-3	Rev C	Detail Plan - Sheet 2	Dated 13.06.12
Dwg. No. 9103-3	Rev C	Detail Plan - Sheet 3	Dated 13.06.12
Dwg. No. 9104-3	Rev C	Detail Plan - Sheet 4	Dated 13.06.12
Dwg. No. 9110-3	Rev C	Road MC01 Roundabout Detail Plan	Not Dated
Dwg. No. 9111-3	Rev C	Wigram Road Intersection Detail Plan	Dated 13.06.12
Dwg. No. 9150-3	Rev C	Road Longitudinal Sections - Road MC01 and MC07	Dated 13.06.12
Dwg. No. 9151-3	Rev C	Road Longitudinal Sections - Road MC02, MC03, MC04, MC05 and MC06	Dated 13.06.12
Dwg. No. 9200-3	Rev C	Typical Road Cross Sections	Dated 13.06.12
Dwg. No. 9250	Rev C	Vehicle Swept Paths - Garbage Truck Sheet 1	Dated 13.06.12
Dwg. No. 9251	Rev C	Vehicle Swept Paths - Garbage Truck Sheet 2	Dated 13.06.12
Dwg. No. 9400-3	Rev C	Stormwater Layout Plan	Dated 13.06.12
Dwg. No. 9401-3	Rev C	Stormwater Outlet Adjacent to Johnstons Creek	Dated 13.06.12
Dwg. No. 9402-3	Rev C	Indicative Stormwater Longitudinal Sections Line 1 (Part)	Dated 13.06.12
Dwg. No. 9403-3	Rev C	Indicative Stormwater Longitudinal Sections Line 1 (Part), 3, 4 and 5	Dated 13.06.12

Dwg. No. 9404-3	Rev C	Indicative Stormwater Longitudinal Section Line 2 (Part)	Dated 13.06.12
Dwg. No. 9405-3	Rev C	Indicative Stormwater Longitudinal Sections Line 2 (Part), 6 and 7	Dated 13.06.12
Dwg. No. 9406-3	Rev C	Indicative Stormwater Longitudinal Sections Line 8 and Line 9	Dated 13.06.12
Dwg. No. 9407-3	Rev C	Indicative Stormwater Longitudinal Sections Line 10, 11, 12 and 13	Dated 13.06.12
Dwg. No. 9408-3	Rev C	Indicative Stormwater Longitudinal Sections Line 14, 15, 17, B1A, Line B1C, B1D, B1E & B2A	Dated 13.06.12
Dwg. No. 9409-3	Rev C	Indicative Stormwater Longitudinal Sections Line B2B, B3A, B3B, B3D, B4B, Line B5AA, B5AB, B5BA, B5BB, B6A, B6B	Dated 13.06.12
Dwg. No. 9420-3	Rev C	Proposed Retaining Walls Adjacent Johnstons Creek, Plans & Longitudinal Sections	Dated 13.06.12
Dwg. No. 9421-3	Rev C	Proposed Retaining Wall (Adjacent to Rd MC06) Longitudinal Sections	Dated 13.06.12
Dwg. No. 9422-3	Rev C	Proposed Retaining Walls Longitudinal Sections (Adjacent to Tram Sheds)	Not Dated
Dwg. No. 9500-3	Rev C	Indicative Sewer Reticulation Plan	Dated 13.06.12
Dwg. No. 9600-3	Rev C	Indicative Water Reticulation Plan	Dated 13.06.12
Dwg. No. 9710-3	Rev C	General Arrangement for Signalised Intersection	Dated 13.06.12
Dwg. No. 9711-3	Rev C	General Arrangement for Signalised Intersection - Detail Survey Overlay	Dated 13.06.12
Dwg. No. 9712-3	Rev C	General Arrangement for Signalised Intersection - Swept Paths	Dated 13.06.12
Dwg. No. 9800-3	Rev C	Erosion and Sediment Control Plan - Stage 2	Dated 13.06.12
Dwg. No. 9801-3	Rev C	Soil and Water Management Details	Dated 13.06.12

Public Domain Documentation prepared by Aspect Studios

Dwg. No. PD-DA-001	Rev D	Public Domain Cover Sheet	Dated 18.06.12
Dwg. No. PD-DA -002	Rev D	Analysis of Surrounding Open Spaces	Dated 18.06.12
Dwg. No. PD-DA -003	Rev D	Public Domain Extent Plan	Dated 18.06.12
Dwg. No. PD-DA -004	Rev D	Public Domain Delivery Plan	Dated 18.06.12
Dwg. No. PD-DA -005	Rev D	Indicative Through Site Links Plan	Dated 18.06.12
Dwg. No. PD-DA -006	Rev F	Street Tree Masterplan	Dated 19.06.12
Dwg. No. PD-DA -007	Rev D	Car park Entries, Loading Areas and Lobbies Plan	Dated 18.06.12
Dwg. No. PD-DA -008	Rev F	Public Footways Plan (1 of 5)	Dated 19.06.12
Dwg. No. PD-DA -009	Rev E	Public Footways Plan (2 of 5)	Dated 19.06.12
Dwg. No. PD-DA -010	Rev D	Public Footways Plan (3 of 5)	Dated 18.06.12
Dwg. No. PD-DA -011	Rev D	Public Footways Plan (4 of 5)	Dated 18.06.12
Dwg. No. PD-DA -012	Rev D	Public Footways Plan (5 of 5)	Dated 18.06.12
Dwg. No. PD-DA -013	Rev B	Typical Street Sections	Dated 19.06.12
Dwg. No. PD-DA -014	Rev F	Street Closure Park Sections - MC03	Dated 19.06.12

Dwg. No. PD-DA -015	Rev A	Street Closure Park - Sections MC04	Dated 19.06.12
Dwg. No. PD-DA -016	Rev B	Public Footways Typical Details (1 of 2)	Dated 19.06.12
Dwg. No. PD-DA -017	Rev B	Public Footways Typical Details (2 of 2)	Dated 19.06.12
Dwg. No. PD-DA -018	Rev B	Johnstons Creek Pathway Sections	Dated 19.06.12
Dwg. No. PD-DA -019	Rev B	Tram Sheds Walls Sections	Dated 19.06.12
Dwg. No. PD-DA -026	Rev F	MC04 Truck Turning	Dated 28.06.12

- (b) The submitted Engineering Infrastructure and Services plans and Public Domain plans are supported in principle only. The plans are to be amended in accordance with consent conditions and submitted for approval in accordance with the requirements of the Essential Infrastructure and Public Domain Plans conditions of this consent.
- (c) Notwithstanding (b) above, site-wide Utility Services (except gas in the future public open space) to facilitate the development of a particular precinct or to deliver VPA obligations as shown on the Engineering Infrastructure and Services plans are approved. The cost of any modifications or refinements of Essential Infrastructure required as a result of Stage 1 consent conditions, future Stage 2 DAs or to meet requirements of the relevant utilities shall be borne by the developer. Any proposed gas connections in the future public open space is subject to Council's approval.

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

(2) STAGE 2 BUILDINGS

- (a) Buildings the subject of Stage 2 DAs shall be wholly contained within the approved building envelopes, as amended by consent conditions.
- (b) The approved building envelopes are inclusive of balconies, bay windows, shading devices and the like and are subject to modification to comply with the Residential Flat Design Code (RFDC) and other conditions of this consent.
- (c) Variations to RFDC building separation requirements are not approved under this Stage 1 DA.
- (d) Encroachments and variations to the building envelopes will be assessed on merit with Stage 2 DAs.

(3) MAXIMUM GFA / BASIX BONUS

- (a) The maximum GFA across the site is not to exceed the maximum allowed under the Harold Park LEP.
- (b) Additional GFA of up to 10,630m², being the bonus BASIX GFA allowed under the Harold Park LEP, will only be allocated at the determination of each Precinct DA when it is demonstrated that each building exceeds BASIX targets by at least 25%.

(4) DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION

The future Stage 2 Development Applications must address compliance with:

- (a) Stage 1, as amended by consent conditions;
- (b) SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code;
- (c) Harold Park LEP and DCP, City of Sydney Access DCP 2004, Policy for Waste Minimisation in New Developments and any other relevant Council policies at the time of lodgement.

(5) COMPLIANCE WITH ANNOTATIONS ON DRAWINGS**(6) APPROVED DRAWINGS**

In relation to setbacks, the setback drawings prevail over the elevations and site sections, except as amended by consent conditions.

(7) BUILDING ENTRANCES

- (a) All buildings are to provide legible and accessible entrances.
- (b) Consideration is to be given to Buildings 1D, 3D, 5B and 6B providing building entrance lobbies from The Crescent / Minogue Crescent.

(8) LOWER LEVEL / PRIMARY BUILDING SETBACKS

- (a) Buildings are to be set back 3m from the street frontage boundary / public domain in accordance with the Harold Park DCP.
- (b) Except for Building 4A, buildings which propose a 1.25m 'terrace setback' on drawing 'Building Setback – Lower Level', drawing no DA-MP-005 Rev G, may provide the lesser setback only if they present as a terrace at the ground and first floors.

(9) PARKSIDE BUILDINGS (2A, 2B AND 4B)

The building envelopes are to be modified as follows:

- (a) Mid level setbacks of 3m are to be provided at the north and west of Building 4B and to the south and west of 2A
- (b) Upper level setbacks of 4m are to be provided in the following locations:
 - (i) Building 2A - north and west elevations
 - (ii) Building 2B - north elevation
 - (iii) Building 4B - west elevation
- (c) The upper level setbacks required by (b) at the northern elevations of the buildings 2A and 2B are measured from the predominant building

line/street frontage height, not the boundary. This will also require modification to the proposed southern elevations of Buildings 2B and 4B.

- (d) The upper floors of these buildings are to be designed to be recessive to reduce their apparent height in accordance with the DCP.
- (e) Encroachments and variations to the building envelopes will be assessed on merit with Stage 2 DAs.

(10) DESIGN MODIFICATIONS

- (a) The following building envelopes are not approved and are to be modified as follows:

- (i) Building 1C - The number of storeys is to comply with the DCP. The southwest corner of the site is to be 5 storeys.

Note: Increased storeys may be considered with the Stage 2 DA against the requirements of the planning controls.

- (ii) Building 1D - The number of storeys is to comply with the DCP.

Note: Increased storeys to the courtyard may be considered with the Stage 2 DA against the requirements of the planning controls.

- (iii) Building 3D - The number of storeys is to comply with the DCP.

- (iv) Building 4A - Setbacks are to be provided in accordance with the DCP.

Note: appropriate setbacks to cliff are to be determined at Stage 2.

- (v) Building 5A - The height in metres is to comply with the DCP.

- (vi) Building 5B - The street frontage height is to comply with the DCP.

- (vii) Building 6A - The height in storeys is to comply with the DCP.

- (viii) Building 6B - The height in storeys and street frontage height (upper level setbacks) is to comply with the DCP.

Note: increased storeys to the courtyard may be considered with the Stage 2 DA against the requirements of the planning controls.

- (b) The envelopes are to be amended to improve their relationship with the public domain as follows:

- (i) ground levels be as close as possible to the adjacent public domain;

- (ii) the ground level of the area between the boundary and the building's ground level setback is not to be greater than 1.2m above the ground level of the adjacent public domain;

- (iii) exposed basements should not be located with the primary building / landscaped setbacks.
- (c) The plans are to be updated to reflect the required design modifications and other relevant conditions within 4 months of the date of this consent or the submission of a further (third) Stage 2 DA, whichever is sooner, to the Director City Planning, Development and Transport.

(11) BUILDING 4A - LOADING

Servicing for Building 4A must be accommodated on-site.

(12) PRECINCT 6

To reduce the number of driveway crossings, improve the streetscape and pedestrian amenity, one shared driveway is to be provided for Buildings 6A and 6B. This is to be addressed with Stage 2 DAs for Precinct 6 and is not approved as part of the Stage 1.

(13) BUILDING 6A

If terraces are not proposed on the lower levels and 3m setbacks are provided, the portion of the building located in the 3 storey height zone does not require secondary setbacks, in accordance with the DCP.

(14) BUILDINGS AFFECTED BY TRUCK TURNING CIRCLES

- (a) The design of buildings 6B and 3B, which are affected by truck turning circles on roads MC03 and MC04, are to ensure that the treatment of those buildings respond appropriately to the street edge through appropriate design and siting of building footprints and rationalised front fences (if proposed).
- (b) It is noted that Condition 97 requires that the turning circle on road MC03 be amended to match (and not mirror) the turning circle on road MC04. This is to improve truck movements and reduce streetscape impacts.

(15) DESIGN OF ROADS MC03 AND MC04

Public Domain Plans required by Condition 68 are to accurately represent proposed building setbacks to property alignment and address impacts on adjoining building footprints and footpath widths. The plans should also indicate the proposed locations of all elements including lighting, signage, street furniture, utilities and service pit lids as applicable.

The revised design plans are to be submitted to Council as part of the relevant Precinct DA.

(16) FUTURE TRAFFIC WORKS

- (a) Measures to mitigate traffic impacts are required, particularly in association with the Tram Sheds use. Measures to be implemented include:

- (i) the segregation of servicing from retail customer vehicles so that only servicing vehicles access the Tram Sheds from Chapman Road and all other traffic access (The Crescent) from the Tram Sheds through the development site; and/or
 - (ii) the upgrade of the Nelson St roundabout to traffic signals.
- (b) Details are to be submitted to the Director City Planning, Development and Transport addressing these measures prior to the submission of a detailed Stage 2 DA for Precinct 3 or the DA for the adaptive reuse of the Tram Sheds, whichever is sooner.
 - (c) The DA for the adaptive reuse of the Tram Sheds is to include a detailed Traffic Impact Assessment (TIA) that adopts one of the measures. The TIA must assess vehicle, pedestrian and cyclist access to and from the site, including an estimate of the proposed user base and location (split into mode of transport use) for the Tram Sheds use.

(17) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the Tram Sheds must be submitted to and approved by Council prior to that fitout or use commencing.

(18) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) Each future DA shall identify the measures to be implemented and detail the integration between approved/submitted and future DAs.
- (c) This measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of Construction Certificates.

(19) GREEN ROOFS

At a minimum, future buildings are to provide green roofs in accordance with the submitted drawings. Future Stage 2 DAs should address maximising green roof opportunities including the provision of access for use as open space.

(20) PUBLIC ART

The Public Art Strategy prepared by Barbara Flynn, dated 9 March 2012, is to be implemented as part of the redevelopment of the site. Future DAs that include works to be delivered by the applicant are to address the Strategy and incorporate public art as required. This includes embellishment of street

closure parks, pocket parks, residential precincts and the Tram Sheds adaptive reuse, including its curtilage.

(21) APPROVED DESIGN ROOF - TOP PLANT

(22) PHYSICAL MODELS

(23) SUBMISSION OF ELECTRONIC MODELS

(24) DEWATERING

(25) TRAMSHEDS STRUCTURAL WORKS AND ONGOING PROTECTION

- (a) All works identified in BG&E's report dated 18 April 2012 are to be carried out prior to works approved under this DA commencing on the site.
- (b) The risk management controls outlined in BG&E's report dated 18 April 2012 shall be implemented and the tramsheds shall be monitored in accordance with the recommendations/methodology.
- (c) Any earthworks in the vicinity are to ensure the protection of the tramsheds and compliance with BG&E's advice dated 19 March 2012.

(26) PROTECTION OF HERITAGE

The water tank and tramsheds are to be protected during bulk earthworks and infrastructure works. The recommendations of the structural advice about the tramsheds provided from BG&E dated 19 March 2012 (submitted in relation to the remediation DA D/2011/1299) are to be adopted during works.

(27) TRAMSHEDS RESTORATION

The restoration of the tramsheds is to be completed prior to any occupation certificate being issued for Precinct 4.

(28) CONSERVATION MANAGEMENT PLAN - FORMER ROZELLE TRAM DEPOT AND CURTILAGE

- (a) A Conservation Management Plan (CMP), prepared by a suitably qualified heritage consultant, is to be submitted with any application for the tramsheds. The CMP is to address the conservation and use of Tram 1995 to be kept on site.
- (b) The CMP should be undertaken in accordance with the general guidelines set out in the NSW Heritage Manual, NSW Heritage Office, Department of the Environment and Heritage and the methodology described in "The Conservation Plan", Sydney, National Trust of Australia (NSW) 1996 by J S Kerr, and in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) and is to include, but not be limited to, the following:
 - (i) comprehensive documentary analysis: including a comprehensive review of existing information, a comprehensive and thorough historical study of the site, the building and its

precinct, including a complete search for primary sources, thematic history including Aboriginal data, and historic development mapping, and bibliography;

- (ii) comprehensive physical analysis: including a physical survey that details origin, level of intactness, and condition;
- (iii) comprehensive comparative analysis: under appropriate themes;
- (iv) curtilage analysis;
- (v) assessment of significance in accordance with New South Wales Heritage Office criterion including natural and Aboriginal values. Statement of Significance;
- (vi) analysis of opportunities and constraints; and
- (vii) conservation policies: including updating of CMP, the management of change, current and potential appropriate uses, management of significance, treatment of specific spaces, fabric (both interior and exterior) and interrelationships, context and setting, appropriate skills and experience, integration of new services, archaeology, movable heritage, outline conservation works and methodologies and development of an Interpretation Strategy and Maintenance Plan.

(29) TRAMSHED PARKING

- (a) The provision of parking within the 1909 tramshed is supported in principle, however, approval for the location, number of parking spaces, layout, materials and treatment and connection to the 1904 tramshed are subject to assessment of a detailed DA for the adaptive reuse of the tramsheds.
- (b) The footprint of the car park adjacent to the tramsheds is approved to determine quantum and location of the 3.8 hectares of land for future open space and to enable its subdivision and dedication. Approval is not granted for:
 - (i) the number of parking spaces. This is to be in accordance with the LEP maximum car parking controls;
 - (ii) design and layout;
 - (iii) materials and treatment;
 - (iv) construction of the car park; or
 - (v) use of the car park.

as these are matters for assessment of a detailed DA for the adaptive reuse of the tramsheds.

- (c) The detailed DA for the adaptive reuse of the tramsheds is to address management of and access to the car park; include a Plan of Management; address compliance with AS2890.1, AS2890.6 and

AS2890.2; and provide bicycle parking in accordance with the relevant planning controls.

(30) HERITAGE INTERPRETATION STRATEGY - TRAMSHEDS AND TRAMSHEDS PRECINCT

- (a) Heritage interpretation of the tramsheds precinct is to be generally in accordance with the Interpretation Plan / Strategy for the Former Rozelle Tram Depot prepared by Graham Brooks & Associates and dated March 2012.
- (b) An Interpretation Strategy for the interior of the tramsheds, the tram to be kept onsite and the water tank shall be submitted with the application for the adaptive reuse of the tramsheds or any application that proposes works to the building, whichever is sooner.
- (c) The works required for the interpretation of the fan of tracks, the poles that supported the overhead wiring, tramsheds themselves, the tram to be kept onsite and the water tank shall be completed by the developer/applicant to the satisfaction of Council's Director City Planning, Development and Transport prior to the issue of any occupation certificate for the use of the tramsheds.

(31) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT

- (a) Heritage interpretation of the paceway precinct is to be generally in accordance with the Interpretation Plan / Strategy for the Former Harold Park Paceway, Glebe prepared by Graham Brooks & Associates and dated March 2012.
- (b) Details of how the heritage interpretative works outlined in the Strategy will be incorporated into each precinct are required to be submitted with each Stage 2 / detailed DA.
- (c) Prior to an occupation certificate being issued for each precinct, the approved interpretation strategy must be implemented to the satisfaction of Council.

(32) WATER TANK

- (a) The water tank is to be protected and retained on-site.
- (b) The water tank is to remain in-situ and structurally protected as required until the DA for the adaptive reuse of the Tram Sheds or a DA for Building 4A is determined, whichever is sooner. That DA is to address:
 - (i) methodology for dismantling, storage, and re-installation;
 - (ii) conservation works;
 - (iii) on-going maintenance; and
 - (iv) heritage interpretation.

- (c) These details and methodology is to be prepared with input from the applicant's structural engineer and heritage consultant. The installation of the tank, its conservation and interpretation is to be completed to Council's satisfaction prior to the issue of a construction certificate for Stage 2 of the Development.
- (d) The water tank may be dismantled earlier to enable the construction of the access from Maxwell Road subject to agreement by Council that the access road is required earlier than set out in (c). If agreed, approval from Council's Director City Planning, Development and Transport is required and shall include approval of a methodology for dismantling, storage, conservation works and re-installation. Details on the conservation, installation, and on-going maintenance of the water tank are to be submitted with the application for the adaptive reuse of the Tram Sheds.
- (e) The conservation works to and installation of the water tank are to be completed prior to the issue of an occupation certificate for the Tram Sheds.

(33) FORMER TRAM ACCESSWAY AND TRAM TRACK FENCING (HANDRAIL)

The former tram accessway and tram track fencing handrail is to be retained and protected.

(34) SEMAPHORE BOARD

The Semaphore Board is to be retained and carefully stored on site for its future interpretative reuse on the site. Details on the conservation of the board are to be submitted prior to the issue of the first occupation certificate for a residential building.

(35) ARCHAEOLOGY

- (a) The recommendations of the 'Aboriginal and Historic Archaeological Report' prepared by Austral Archaeology Pty Ltd dated January 2011 shall be complied with.
- (b) Should any historical relics be unexpectedly discovered on the site during excavation or disturbance, all excavation and disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (c) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

(36) SOIL STABILISATION ON COMPLETION

In areas where bulk earthworks are completed, and construction of the relevant building or infrastructure are not commencing immediately,

appropriate soil stabilisation is to be implemented to prevent the loss of soil. Such works may include, but not limited to, the following:

- (a) maintaining the measures outlined in Condition 160 Erosion and Sediment Control;
- (b) temporary grassing / hydroseeding the exposed ground surfaces;
- (c) mulching the ground surfaces;

For the area identified as future open space, the measures are to be approved by the Director City Planning, Development and Transport.

(37) HOARDINGS

Hoardings are to be erected around the perimeter of the site in accordance with the details provided on 3 April 2012. They are to be maintained in good condition for the duration of works and any graphics are to be in accordance with the consent for DA D/2012/274.

(38) SYDNEY WATER REQUIREMENTS

- (a) Building Plan Approval
 - (i) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.
 - (ii) For further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for:
 - a. Quick Check agent details - see Building and Developing then Quick Check; and
 - b. Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating
- (b) Requirement for a Section 73 Certificate
 - (i) Sydney Water will assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.
 - (ii) The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized & configured according to the Water Supply Code of Australia (Sydney Water Edition

WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

- (iii) Sydney Water requests Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au

(39) ACID SULFATE MANAGEMENT PLAN

All excavation works associated with site remediation and construction activities undertaken as part of the proposed site development works must be taken out in accordance with the recommendations stated within the Acid Sulfate Soils Management Plan prepared by JBS Environmental Pty Ltd Ref 41539 – 16774 (Rev 0) JBS Environmental Pty Ltd. July 2011.

(40) HOURS OF WORK AND NOISE - OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation 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 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, 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 Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (c) Notwithstanding (a) above, the use of "Highly Intrusive Appliances" or "Category A" Appliances as defined in the City of Sydney Code of Practice for Construction Hours/Noise 1992, shall be restricted to between 9.00am and 3.30pm Monday to Friday and between 9.00am and 1.00pm Saturday and must include a 1 hour respite period commencing at midday Monday to Friday.

(41) COMPLIANCE WITH SUBMITTED REPORTS

Except as modified by conditions of this consent, the works approved under this DA are to be carried out in accordance with the following reports:

- (a) Traffic Management Plan, Revision 6, prepared by Halcrow and dated 9 June 2011. It is noted that an earlier version of the report was submitted with the DA and that the earlier version (February 2011) is not approved;
- (b) Construction and Environmental Management Plan for Remediation & Stage 1 Master Plan (CEMP), Revision B, prepared by Mirvac and dated 16 May 2011. It is noted that references to "construction" in this

CEMP are taken to refer to the works proposed as part of this DA and apply to this development;

- (c) Noise and Vibration Management Plan prepared by Renzo Tonin, dated 17 February 2011, as amended by letter prepared by same and dated 9 May 2011 (submitted as part of the remediation DA D/2011/1299).

(42) CONSTRUCTION TRAFFIC MANAGEMENT

The following traffic and parking conditions are to be complied with and where required relevant approvals are to be obtained as follows:

- (a) The approved truck route plan shall form part of the contract with all demolition staff and contractors and must be distributed to all truck drivers.
- (b) Heavy vehicle or truck is defined as a vehicle being greater than 4.5 tonnes.
- (c) All trucks must turn right out of Ross Street into Wigram Road.
- (d) All trucks must not use Wigram Road east of Ross Street or west of Minogue Crescent.
- (e) Trucks using Ross Street to enter the site from Wigram Road are limited to 2 vehicles per day.
- (f) Trucks using Ross Street to exit the site onto Wigram Road are limited to 2 vehicles per day.
- (g) All other trucks must use the access road off Nelson St / Chapman Road to enter and leave the site.
- (h) All vehicles must enter and exit the site in a forward direction.
- (i) No approval is given for traffic control on a public street. If traffic control on a public street is proposed, Traffic Control Plans are required to be submitted for the approval of Council prior to those works commencing. WorkCover requires that Traffic Control Plans comply with Australian Standards 1742.3 and be prepared by a Certified Traffic Controller (under RTA regulations). All Traffic Control Plans must also comply with RTA's Traffic Control at Work Sites Guidelines.
- (j) The applicant must provide Council with details of the largest truck that will be used during the works prior to the start of any work on site and obtain approval from City's Construction Regulation Unit for the use of this vehicle.
- (k) No dog trailers to be used without City's Construction Regulation Unit approval.
- (l) The developer must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.

- (m) No queuing, parking or marshalling of vehicles is permitted on any public road.
- (n) All vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a designated off street area, no staff are to park on the street.
- (o) All loading and unloading must be within the development site or at an approved "Works Zone".
- (p) Traffic Controllers are NOT to stop traffic on the public street(s) to allow trucks to enter or leave the site. They MUST wait until a suitable gap in traffic allows them to assist trucks to enter or exit the site. The Roads Act does not give any special treatment to trucks leaving a construction site - the vehicles already on the road have right-of-way.
- (q) Trucks are not (at no time) allowed to reverse into the site from the road for safety reasons (unless specific approval is obtained from the City's Construction Regulation Unit).
- (r) Pedestrians may be held only for very short periods to ensure safety when trucks are leaving or entering BUT you must NOT stop pedestrians in anticipation i.e. at all times the pedestrians have right-of-way on the footpath not the trucks.
- (s) Physical barriers to control pedestrian or traffic movements need to be determined by the Construction Regulations Unit prior to commencement of work.
- (t) Any temporary adjustment to a Bus Stop or Traffic Signals will require the applicant to obtain approval from the STA and RTA respectively prior to commencement of works.
- (u) The developer must apply to the Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (v) The developer must apply to Building Compliance Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (w) The developer must apply to the Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (x) Representatives of the City's Traffic Operations Unit and/or Construction Regulation Unit may meet with the applicant periodically (every 3-6 months) to review these conditions to ensure that the development is not resulting in pedestrian and road safety impacts or impacts on the surrounding street network.

(43) NOISE AND VIBRATION MANAGEMENT

- (a) All work must be carried out in accordance with the management, noise and vibration control measures and work methodology outlined within the submitted Noise and Vibration Management Plan (NVMP) prepared by Renzo Tonin & Associates dated 17 February 2011 and additional information received prepared by same and dated 9 May 2011 (provided with the remediation DA D/2011/1299), as amended by

consent conditions and the Construction and Environmental Management Plan (CEMP) for Remediation & Stage 1 Master Plan, Revision B, prepared by Mirvac and dated 16 May 2011, as amended by consent conditions.

- (b) The “Vibration Management Procedure” outlined at 4.9 of the Construction and Environmental Management Plan for Demolition, Revision D, prepared by Mirvac and dated 16 April 2011 which was approved as part of the demolition DA (D/2011/277) is to be incorporated into the CEMP referred to in (a) above.
- (c) In addition, the following measures must also be adopted on site:
 - (i) The hotline number (9080 8588) set up is to be maintained and provided to the occupiers of all noise / vibration sensitive receivers in the locality of the site likely to be most affected by intrusive noise/vibration and be placed on public display. On receipt of any complaint the complaints process as outlined in section 9.9 of the CEMP must be implemented and action immediately taken to resolve any complaint. Complaint logs (of all complaints) must be kept and copies must be made available to Council officers on request.
 - (ii) All machinery and plant being operated on site must be effectively fitted and maintained with acoustic silencing devices or mufflers where possible in order to keep resultant site noise levels to a minimum.
 - (iii) Where noise/vibration levels from any site operation are predicted to result in an exceedance of the Council’s noise criteria or relevant vibration criteria at the nearest sensitive receiver or gives rise to a complaint as work is in progress, the control measures outlined in the flow chart at section 9.7 of the CEMP and dated 16 April 2011 must be implemented immediately at the start of that work or on receipt of a complaint.
 - (iv) The community consultation initiatives outlined in section 14 of the CEMP.
- (d) Where all such noise control measures have been implemented and substantiated noise complaints are received, further ameliorative measures may be required by Council. This may include increased and sustained periods of respite, the installation of a noise logger, spot noise measurements or other such action as may be considered necessary in order to reasonably respond and resolve those complaints.

(44) NO SPEAKERS OR MUSIC OUTSIDE

Except for emergency address systems and the like required under relevant legislation and codes for work sites, speakers must not be installed for music in any of the outdoor areas associated with the site including the public domain.

(45) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee of \$315,090, calculated on the basis of a nominated area of 778 metres of asphalt/concrete 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.
- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (d) The bond submitted to satisfy Conditions 17 of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.

(46) CLIFF PROTECTION

- (a) All measures recommended in the following reports are to be implemented throughout the works approved under this DA: 'Geotechnical Assessment of Cliff Faces at Harold Park' report prepared by Coffey Geotechnics Pty Ltd dated 21 April 2011, submitted as part of the DA for demolition on the site (DA D/2011/277); the 'Demolition, Excavation, Site Grading, Infrastructure and Remediation Noise and Vibration Management Plan' prepared by Renzo Tonin & Associates dated 17 February 2011, as amended by letter prepared by same dated 9 May 2011 submitted with the DA for remediation (D/2011/1299); and the CEMP prepared by Mirvac dated 16 May 11, amended by the addition of the "Vibration Management Procedure" outlined at 4.9 of the Construction and Environmental Management Plan for Demolition, Revision D, prepared by Mirvac and dated 16 April 2011 which was approved as part of the demolition DA (D/2011/277).
- (b) The existing condition of the cliff and associated wall structures are to be maintained at all times. Any remedial works required to the cliff or associated structures are to be undertaken to the approval of Council and where relevant, the adjacent land owner.
- (c) On completion of works approved under this consent, a geotechnical report and a structural engineer's report on the condition of the cliff face and associated wall structures, respectively, is required to demonstrate the works have not caused any deterioration to the structural integrity of the cliff face and associated wall structures. The reports are to be submitted to Council's Director City Planning, Development and Transport with the Site Audit Statement.

(47) BULK EARTHWORKS

Bulk Earthworks shall be undertaken generally in accordance with the plans approved with the Remediation DA and as amended by conditions of this consent. No fill shall be placed against the cliff face adjacent the Toxteth Estate except where separate approval is given by the City's Director Planning, Development and Transport. All batters at the base of the cliff face are to be certified as stable by a Geotechnical Engineer prior to the first subdivision. Where additional retaining structures are required to achieve finished ground levels, the developer is to submit a detailed proposal to the City's Director Planning, Development and Transport for approval.

(48) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to works commencing, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's Director City Planning, Development and Transport.

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.

(49) DILAPIDATION REPORT - JOHNSTON'S CREEK BRIDGE, APPROACHES AND ADJACENT STORMWATER CHANNEL

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the bridge over Johnston's Creek, approaches and adjoining stormwater channel are to be prepared by an appropriately qualified structural engineer prior to

commencement of excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property/asset owners, and a copy lodged with the accredited certifier/Certifying Authority and the Council prior to works commencing.

UPON COMPLETION OF EXCAVATION WORKS

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted no later than one month after the completion of excavation works (but not including the demolition of the administration building approved for use as a marketing suite). A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the property owners of the bridge over Johnston's Creek, approaches and adjoining stormwater channel, and a copy lodged with the accredited certifier/Principal Certifying Authority and the Council.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(50) DILAPIDATION REPORT - SURROUNDING PROPERTY OWNERS

UPON COMPLETION OF EXCAVATION WORKS

Dilapidation Report/s, including a photographic survey of the properties identified on drawing 'Harold Park – Demolition Development Consent Condition 12(b) – Revised Dilapidation Extent' prepared by Mirvac, date stamped 12 June 2012 and approved under DA D/2011/277/A and 91 Ross St, Forest Lodge must be submitted no later than one month after the completion of bulk earthworks. A copy of the dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the accredited certifier/Principal Certifying Authority and the Council.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(51) STRUCTURAL INTEGRITY OF BRIDGE OVER JOHNSTON'S CREEK

- (a) The developer shall engage a suitably qualified structural engineer to monitor the bridge, approaches and adjacent stormwater channel for its structural integrity throughout the period of remediation works. At the conclusion of remediation works, a report on the structural stability of the bridge, prepared by suitably qualified structural consultant, is required to be submitted to Council. Where the structural engineer identifies structural insufficiencies, the developer shall be responsible for the upgrade of the bridge to ensure its stability. All costs are to be borne by the developer.
- (b) An unconditional bank guarantee in favour of Council in the amount of \$300,000.00 must be submitted as security for repairing any damage to the bridge and its immediate surrounds.
- (c) In lieu of the bank guarantee required under (b), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (d) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (e) The bond submitted to satisfy Condition 22 of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.
- (f) The developer shall advise Sydney Water of the proposed access arrangements for their information in regards to any resultant damage to the adjacent stormwater channel and obtain any necessary approvals required from Sydney Water prior to works commencing.

(52) 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.

Prior to the commencement of works, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

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 Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council 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).

(53) 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".

(54) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Ross Street frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) identified for reinstatement on approved Public Domain plans must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate where applicable. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.

(55) ESSENTIAL INFRASTRUCTURE

- (a) In principle support is given for the provision of the Essential Infrastructure as shown on the stamped approved plans.
- (b) The Essential Infrastructure is defined by the Voluntary Planning Agreement (VPA) and includes the Stormwater Works (Surface Drainage, Stormwater Lines and Rain Gardens), Subsoil Drainage, Roads, Public Domain (Footways, Street Tree Planting, Landscaping, Street Furniture and Street Lighting), Road Closure Parks and Utility Services (Water, Gas, Sewer, Electricity and Telecommunications).
- (c) References throughout this consent to Essential Infrastructure refer to the works summarised in (b) above and further defined in the VPA.

- (d) The Essential Infrastructure must be designed and constructed in accordance with the City's technical specification and standard details for civil works current at the time of construction.
- (e) Where Essential Infrastructure is to be delivered in stages, staged Public Domain Plans and Civil Documentation for Essential Infrastructure are to be submitted concurrently with each Precinct DA and are to clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, stormwater lines, or public footways) required due to the staging.
- (f) All Essential Infrastructure is to be completed prior to the issue of any Occupation Certificate of the relevant Precinct in the stages as defined by the approved plans.

(56) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

All costs associated with the construction of any new or temporary Essential Infrastructure works including kerb and gutter, road pavement, drainage system, footway, tree planting, landscaping and utilities shall be borne by the developer.

(57) ESSENTIAL INFRASTRUCTURE SECURITY

- (a) Security for Essential Infrastructure works is required to be lodged prior to issue of each Precinct's first Construction Certificate.
- (b) A detailed cost estimate (certified by a Quantity Surveyor) of each portion of Essential Infrastructure works in a precinct is to be prepared and submitted to Council for approval. The approved value will determine the Essential Infrastructure Security.
- (c) The Essential Infrastructure Security must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under the relevant consent.
- (d) The Security will be retained in full until all Essential Infrastructure works for the relevant Precinct are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(58) NOMINATED ENGINEERING WORKS SUPERVISOR

Prior to issue of the first construction certificate of each Precinct, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or

- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(59) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for a new building work in each Precinct, excluding approved preparatory, demolition and shoring work, a set of hold points for approved essential infrastructure 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 essential infrastructure works is to be undertaken in accordance with the City's Public Domain Manual and current specification and standard details, including requirements for as-built documentation, certification and defects liability period.

(60) UTILITY SERVICES

- (a) Prior to the commencement of work on the site evidence is to be submitted to the accredited certifier/Principal Certifying Authority that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.
- (b) Prior to the issue of the Site Audit Statement required under the remediation DA (D/2011/1299), evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completed construction, installation or diversion, of service infrastructure within the site.

(61) WORK METHOD STATEMENT FOR FLOOD WATERS

Prior to commencement of excavation, an Excavation Work Method Statement prepared by a qualified person outlining how flood waters that run through the site be managed must be submitted to and approved by the Director City Planning, Development and Transport. This must identify all water courses and piped drainage that convey stormwater from upper catchment areas to Johnstons Creek.

(62) DRAINAGE SYSTEMS DESIGN

Drainage systems that convey flood waters from upstream catchments through the site must be designed such that:

- (a) The drainage systems convey flood waters up to and including the 1 in 100 year ARI flows safely to Johnstons Creek. The design must comply with the safety standard recommended in the Australian Rainfall and Runoff, a guide to Flood Estimation by the Institution of Engineers and NSW Flood Development manual, 2005.
- (b) Minimum of 1 in 20 year ARI flows must be contained within below ground pipes and the remaining flows above the pipe capacity and up to and including the 1 in 100 year ARI flows as overland flows. If roads are to be used to convey overland flows the safety requirements outlined in (a) above must be met.
- (c) Any special drainage structures or collection drainage pits within road reserves or in public open spaces to capture or divert overland flows must meet safety requirements in (a) above.

(63) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) In order to minimise the services traversing the future open space, no new stormwater connections, other than those shown on the stamped approved drawings, are to be provided from the Toxteth Estate to the re-aligned Lillie Bridge culvert. Works to the existing stormwater lines at the cliff face and across the future open space shall only be permitted to accommodate the adjusted site levels and to repair or replace the existing infrastructure to meet relevant Australian Standards. Stormwater connections within the future open space shall have a minimum cover of 600mm in accordance with the City's Civil Design Specification.
- (c) Prior to a Construction Certificate for each Precinct being issued, details of the proposed stormwater disposal and drainage from the development including where required 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.
- (d) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.

- (e) Any permanent or temporary drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (f) 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 the commencement of any work within the public way.
- (g) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (h) 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.
- (i) All stormwater easements are to be maintained and accessible throughout the works.

(64) SUBSURFACE DRAINAGE

Subsurface drainage systems shall be provided for all road formations, cuttings, the base and sub base of pavement layers, retaining walls and the street closure parks. The design and construction of the subsurface drainage system shall be undertaken in accordance with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Precinct.

A design certification report for the subsurface drainage system shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Principal Certifying Authority for approval prior to the issue of the first Construction Certificate.

The plans shall include as a minimum the following information:

- (a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- (b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- (c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and

- (d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

(65) ROAD WORKS

The Civil Documentation accompanying this Development Application has not been approved by this consent.

The design and construction of all road works, including temporary road works, shall be undertaken in accordance with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Precinct. A design certification report for the road works shall be prepared by an appropriately qualified civil engineer and shall be submitted for approval of Council prior to the issue of the first Construction Certificate for the subdivision works.

The detailed plans and supporting documentation shall include as a minimum the following information:

- (a) General subdivision plan with contour details and a clear indication of the extent of work;
- (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;
- (c) Plan and longitudinal section of the public road showing services;
- (d) Drainage plan and schedule of drainage elements;
- (e) Drainage profiles
- (f) Road cross sections and kerb returns;
- (g) Intersection layout details including linemarking, pavement marking and signposting;
- (h) Standard engineering and structural details plan;
- (i) Erosion and sedimentation control plans;
- (j) Utility services affecting the development;
- (k) Details of any temporary road works required due to the staged delivery of the development such as turning areas; and
- (l) Specifications for the construction of all components of the roadworks in accordance with City's current technical specification and standard details for civil works.

(66) RAIN GARDENS

- (a) The locations of the rain gardens as shown on the stamped approved plans are supported in principle. Final design of the rain gardens is to address:
- (i) pedestrian, cycling and vehicle circulation requirements including pedestrian crossings and driveway entrances;
 - (ii) sight lines
 - (iii) street lighting locations and other services and access points
 - (iv) maximising rainfall harvesting and overall stormwater management; and
 - (v) street tree locations.
- (b) Understorey planting to central raingardens shall be minimum tubestock to an approximate mature height of 500-750mm and include at least the following species selection:
- (i) *Dianella caerulea* (Blue Flax Lily)
 - (ii) *Ficinia nodosa* (Knotted Club Rush)
 - (iii) *Juncus usitatus* (Common Rush)
 - (iv) *Lomandra 'Tanika'* (Spiny headed Matt-Rush)

Other species may be considered for approval by Council, with a preference for native grasses, sedges or rushes that can withstand periodic inundation.

- (c) The design and construction of the rain gardens shall be undertaken in accordance with the City's current technical specification and standard details for civil works and submitted concurrently with the Public Domain Plans, Road Works Plans and Sub Surface Drainage Plans. Detailed plans and construction specifications for the rain gardens shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Precinct. The submission shall include as a minimum the following information:
- (i) Detailed construction plans, drawn to scale, by suitably qualified landscape architect and engineers (as appropriate), prepared and submitted concurrently with the Public Domain and Road Works Plans. These plans shall be approved by Council prior to the issue of a Construction Certificate for the relevant Precinct. The plan must include:
 - a. Location of existing and proposed structures on the site including lighting, storm water and other services (if applicable);
 - b. Details of proposed levels and site grading including temporary surface treatments (if applicable);

- c. Details of biofiltration and soil material;
 - d. Location, numbers and type of plant species;
 - e. Details of planting procedure and maintenance;
 - f. Details of drainage systems.
- (d) Prior to the issue of a Construction Certificate for each Precinct, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (e) All works in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Precinct buildings.

(67) PUBLIC DOMAIN PLANS

The Public Domain Plans accompanying this Development Application have not been approved by this consent.

Three copies of detailed Public Domain Plans, prepared by an architect, urban designer or landscape architect, must be lodged and approved by Council's Director of City Planning, Development and Transport prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. Public Domain Plans are to be prepared and submitted to Council concurrently with the Civil Design Documentation required for the Alignment Levels, Road Works, Subsoil Drainage, Rain Gardens, Stormwater Management and Utility Services. 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.

(68) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with any Council standards and details provided to Council prior to issue of a Construction Certificate for each stage where relevant.

(69) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued for each Precinct, 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 plans submitted with the application for the first Construction Certificate for each Precinct, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

(70) STREET AND PEDESTRIAN LIGHTING

The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, street closure parks and the realigned Ross Street in accordance with Council and Ausgrid standards. Detailed plans and construction specifications for the works shall be prepared, submitted to Council for approval and certified as complying with Council's and Ausgrid's specifications prior to the issue of the first Construction Certificate for any residential building.

The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaries, fixtures and category for street lighting, pedestrian lighting and feature lighting.

(71) LANDSCAPING OF THE STREET CLOSURE PARKS

In principle support is given for the provision of the Street Closure Parks on the stamped approved plans. The Landscape Plans for the Street Closure Parks accompanying this Development Application have not been approved by this consent (refer to Public Domain Plans condition).

The Street Closure Parks shall be designed and constructed to provide multiple, continuous accessible paths of travel and in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009 Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage.

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate for the relevant Precinct DA. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees and services (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.

- (b) Prior to the issue of a Construction Certificate for each relevant stage, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Precinct buildings.

(72) DEEP SOIL PLANTING

The location of the deep soil planting zones as shown on the stamped approved plans is supported. The areas of deep soil planting shall only be allowed to be modified in shape to accommodate detailed design resolution to the satisfaction of Council and not be reduced in size.

(73) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between any ground floor level and the adjacent public footpath shall not exceed 1.2m. Detailed plans to this effect shall be submitted to Council prior to the issue of a Construction Certificate for each Precinct.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells.

A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate for each stage. A copy of supporting reports and calculations shall be submitted to Council prior to the issue of a Construction Certificate for each stage.

(74) WORKS IN THE FUTURE OPEN SPACE

The Landscape Plan for the works on the future open space associated with the future car park to the tram sheds and the shared zone to Building 4A accompanying this Development Application has not been approved by this consent.

The design of any works within the future open space shall be integrated with the landscape Masterplan for the Johnston's Creek Parklands being prepared by Council.

Detailed Landscape Plans for the tram shed car park area and shared zone to Building 4A, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the relevant Construction Certificate being issued. The plan must include:

- (a) Location of existing and proposed structures on the site including existing trees, heritage items, fencing and drainage culverts.
- (b) Details of remediation and soil works;
- (c) Design and details of the car park including certification that the proposed design conforms to relevant Council policies and current Australian Standards;
- (d) Details of heritage interpretation strategy to be integrated into the design.
- (e) Details of the shared zone including gradients, vehicle turning movements and traffic management.
- (f) Details of earthworks including mounding and retaining walls (including below ground) and planter boxes;
- (g) Details of paving materials, setout and installation including jointing and sealant to be applied.
- (h) Location, numbers and type of plant species;
- (i) Details of planting procedure;
- (j) Location, numbers and fixings of street furniture;
- (k) Details of lighting;
- (l) Details of drainage, irrigation systems and waterproofing details (as applicable);

All elements in the approved plan are to be completed prior to an Occupation Certificate being issued or the use commencing on the associated Precinct DA, whichever is earlier.

(75) RETAINING WALLS WITHIN THE FUTURE OPEN SPACE

- (a) The location and design of the proposed retaining walls within the future open space including those adjacent Johnston's Creek are not approved.
- (b) Where retaining walls are required to achieve finished levels, construction level documentation identifying the style, materials, extent and heights of the walls is to be submitted to Council's Director City Planning, Development and Transport for approval. All retaining walls shall be designed to a high quality using robust materials with a long life expectancy, similar to or to a higher finish to those detailed in the City's Parks Manual.
- (c) The design and materials of the retaining walls are to complement and be sympathetic to nearby heritage items, including the tram sheds and the heritage handrail. The use of rock-faced/rusticated Sydney sandstone shall be incorporated into the design of the retaining walls.

- (d) Detailed documentation shall be prepared by a qualified structural engineer, and submitted to and approved by Council's Director City Planning, Development and Transport prior to their construction. The documentation must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and existing retaining walls (if applicable);
 - (iii) Details of any planting or other measures to stabilize the surrounding soil
 - (iv) Details of proposed wall materials;
 - (v) Details of backfilling material and subsoil drainage.
 - (vi) Certification by the Structural Engineer
- (e) All retaining walls in the approved plan(s) are to be completed prior to the issue of the Subdivision Certificate for Stage 1 of 7 of the Subdivision, being for the future public open space.

(76) LANDSCAPE WORKS - THROUGH SITE LINKS / POCKET PARKS

- (a) The Landscape Plans accompanying this Development Application have not been approved by this consent.
- (b) Details of the proposed through site links / pocket parks are to be submitted as part of the DA for Precinct 2. The pocket parks shall be designed and constructed as high quality aesthetic environments and as functional and usable space to maximise both passive and active recreation opportunities (including access requirements for pedestrians and cyclists). The parks are to remain publicly accessible at all times after completion.
- (c) No obstructions relating to the below ground car park or adjacent buildings such as accessways or service vents are permitted within the pocket parks. The through site links / pocket parks shall provide continuous accessible paths of travel between MC01 and the future open space and in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage. Through site links / pocket parks shall not be ramped to provide access to the buildings. Any required access to property shall be achieved through ramping or stairs within the property boundary and not within the encumbered land.
- (d) The applicant shall include on the plans the extent of landscape areas on slab/planter boxes and provide details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes in accordance with relevant Council and Australian Standards.

The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for groundcovers and turf.

- (e) The applicant shall provide a fully automatic irrigation system to all landscape areas and turf. Hosecock's/QCV's installed in landscaped areas are to be at one per 80m² of landscaped area, or a minimum of one for each separate landscaped space which ever is the greater. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.
- (f) Planting layout and massing for landscaped areas shall be in accordance with the following (unless determined otherwise by Council):

Material Mature	Height	Minimum Spacing Minimum	Pot Size
Trees	Varies	Varies	100L (min. 2.0m high)
Tall Shrubs	> 1.5m high	3-6 per sq.m.	10L
Shrubs	600mm-1.5m high	4-7 per sq.m.	5L pot
Groundcovers	<500mm high	5-10 per sq.m.	150mm pot

- (g) Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures.
- (h) Lighting shall comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting shall be designed in accordance with the appropriate P rating for the space as deemed necessary by the Electrical/ Lighting Engineer and in reference to AS1158.3.1 Road Lighting- Pedestrian Area Lighting.

(77) TREE SURVEY REPORT

The Tree Survey Report, prepared by Arborcraft and dated 29 April 2011 with cover letter dated 12 July 2011, provides full details of trees affected by the development. The report must be referred to for the following information: tree number, species name, size, condition of tree, setbacks and distances for tree protection zones.

(78) TREES THAT MUST BE RETAINED

No approval is given for the removal of the trees identified in the table below. The trees are to be retained and protected during demolition works. All trees to be retained must be protected during tree removal works (including no stump grinding or poisoning).

Tree Nos
88, 90-94, 102-114, 120, 164-165a, 169-197 (Total = 52)

The table provides tree numbers only. A detailed tree schedule is provided in the Tree Survey Report.

(79) TREES THAT MAY BE REMOVED

The trees identified in the following table are approved for removal:

Tree Nos
1, 14-23, 64-74, 78-84, 89, 95-101, 134-154, 167, 168 (Total = 51)

The table provides tree numbers only. A detailed tree schedule is provided in the Tree Survey Report.

(80) PRE-CLEARANCE SURVEYS

Prior to removal of trees, a pre-clearance survey is to be conducted by a suitably qualified ecological consultant to identify any key habitat features, supervise the safe removal of trees and to ensure the safety of any resident fauna.

(81) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
- (i) The Arborist must certify the installation of the tree protection measures to Council;
 - (ii) During demolition of any structure within the TPZ of any tree to be retained; and
 - (iii) During any excavation and trenching within the Tree Protection Zone.
- (b) A fortnightly report shall be submitted to Council which provides details on the health and structure of trees to be retained and protected and must include:
- (i) Details of any other works undertaken on any tree to be retained or within TPZ/s; and
 - (ii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(82) TREE PROTECTION ZONE

For all trees retained the following protection measures are to be complied with during the excavation period:

- (a) Before the commencement of any works on site, a Tree Protection Zone (TPZ) must be established around all trees to be retained not less than the distances specified in the Tree Survey Report.

- (b) All tree protection fencing must have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site.
- (c) Tree Protection Zones must be installed in accordance with the details in the table below which are in accordance with the Tree Survey Report and correlate with the Tree Pruning and Tree Protection Plan (Revision C):

Tree No	Tree Protection method
88, 90-94, 102-106	<ul style="list-style-type: none"> ▪ The groups of trees must be enclosed with a 1.8m high fully supported chainmesh protective fencing. ▪ The fencing shall be secure and fastened to prevent movement and shall have a lockable opening for access. ▪ Woody roots shall not be damaged during the establishment or maintenance of the fencing. ▪ The fence must be setback 5 metres from T106, 9.8 metres from T90 and 8.6 metres from T88. The site boundary fence should form the rear section of the tree protection fencing.
107-114	<ul style="list-style-type: none"> ▪ The trees are located on the cliff edge behind the Tram Sheds which is to be retained. No specific tree protection is required for this group of trees.
120	<ul style="list-style-type: none"> ▪ The tree is located on the cliff edge and should be enclosed with a 1.8m high fully supported chainmesh protective fencing. ▪ The fencing shall be secure and fastened to prevent movement and shall have a lockable opening for access. ▪ Woody roots shall not be damaged during the establishment or maintenance of the fencing. ▪ The fence must be positioned on the edge of the existing car park.
164-165a	<ul style="list-style-type: none"> ▪ The trees are located on the cliff edge in private properties and beyond the extent of works. No specific tree protection is required for this group of trees.
169-189	<ul style="list-style-type: none"> ▪ Council owned street trees which must be protected in accordance with the tree protection measures provided below.
190-197	<ul style="list-style-type: none"> ▪ Council owned park trees which must be protected in accordance with the tree protection measures provided below.

- (d) The following works shall be excluded from within any TPZ:
- (i) Soil cut or fill including excavation and trenching.
 - (ii) Soil cultivation, disturbance or compaction.
 - (iii) Stockpiling storage or mixing of materials.

- (iv) The parking, storing, washing and repairing of tools, equipment and machinery.
- (v) The disposal of liquids and refuelling.
- (vi) The disposal of building materials.
- (vii) The siting of offices or sheds.
- (viii) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
- (f) The consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council. A tree pruning specification has been provided below.

(83) STREET / PARK TREE PROTECTION

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

- (a) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times,
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:

- (i) Around or under the tree canopy; or
 - (ii) Within two (2) metres of the trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
- (e) Any damage sustained to park or street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(84) STREET TREE REMOVAL

- (a) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.
- (b) All works must be carried out by a qualified Arborist, with a minimum Level 3 Australian Qualification Framework (AQF) in arboriculture.
- (c) All works must be undertaken in accordance with WorkCover's Code of Practice – Amenity Tree Industry.

(85) STREET TREE PLANTING

The Public Domain Plans required by Condition 68 must address:

- (a) In-road / blister planting is supported however protection from cars is necessary and must be addressed.
- (b) Adequate setbacks of both buildings and entrances, and streetscape elements (e.g. placement of lighting, signage, loading zones, cycleways, balconies, awnings etc) must be provided along street frontages to allow for large canopy trees to grow.
- (c) In the case of continuous avenue street tree planting, it is preferred that individual tree pits be linked to form continuous trenches, thereby maximising the soil volume available to the trees.
- (d) Provision for drainage of such systems is an important aspect of the design and needs to be carefully considered.
- (e) The use of advanced tree stock in all public domain areas is recommended. Larger planted trees suffer reduced vandalism rates, increasing successful tree establishment in the environment.
- (f) The availability of advanced quality stock is a frequent industry problem. In most instances, a supply order is forwarded for stock to be

grown on by supplier. This should be planned now to ensure stock is available.

- (g) New tree planting should be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.

(86) STREET TREE PLANTING AND MAINTENANCE

The Public Domain Plans required by Condition 68 must include the location of the street trees to be planted in association with the development. Street trees must be located and planted in accordance with the revised City's Street Tree Master Plan, and the following:

- (a) Planting in accordance with the revised Street Tree Master Plan (2011) as follows:
 - (i) Minogue Crescent: *Eucalyptus saligna*
 - (ii) The Crescent: *Eucalyptus saligna*
- (b) The street trees must be planted:
 - (i) By a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) Before the issuing of an Occupation Certificate for the associated Precinct.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, without limitation, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(87) UNDERGROUNDING OF ELECTRICAL WIRES

The existing overhead electrical wires located in Ross Street road reserve are to be placed underground at the cost of the developer.

Note: Approval by AusGrid must be sought for undergrounding of any wires.

(88) TRAFFIC SIGNALS

Timing of Signal Delivery

- (a) The signalised intersection must be delivered no later than 12 months from any occupation certificate being issued for Precinct 1. This will require the signals to be approved, installed and operational prior to this date.

Signal Design Approval Process

- (b) The signal design and staging plan must be submitted to Council for referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).
- (c) All requirements and recommendations from the Committee must be complied with.
- (d) The design and staging plan must then be submitted to the RMS for their approval.
- (e) The signals must be endorsed by the LPCTCC and included in the Essential Infrastructure plans prior to their submission.

(89) TEMPORARY CONSTRUCTION ACCESS

Until the traffic signals are operational, all Construction Traffic Management Plans (CTMP) submitted in association with the Precinct DAs are to include an investigation into the use of the MC02 and Minogue Crescent / The Crescent intersection as a construction vehicle driveway. This option will need to be discussed with the RMS and the STA, and will need to be approved by the Traffic Operations team as part of the assessment of the CTMP before it can be used.

(90) TEMPORARY TURNING AREA

- (a) Any road which is constructed and dedicated as a dead end street, as a result of the staged delivery of the site, must provide a temporary vehicle turning area.
- (b) Details of the vehicle turning must be submitted with the detailed design of the affected road.
- (c) All temporary turning areas must be designed to accommodate a Council waste collection vehicle as a minimum.
- (d) The vehicle turning area must remain until the relevant subsequent stages are complete and the turning area is no longer required.

(91) WIGRAM RD / ROSS ST MEDIAN

- (a) A median on Wigram Road restricting turns from Ross Street is to be constructed prior to occupation of any residential buildings.
- (b) The median design shown on the approved plans is not approved. The median design is to be in accordance with the design submitted to

Council as an attachment to letter dated 10 April 2012, drawing number 150151-SK-9173 Rev A prepared by ADW Johnson and dated 26/03/12.

- (c) This design must be submitted along with swept paths of two buses passing the median simultaneously. Vehicle dimensions will need to be obtained from the STA. These swept paths must be submitted to Council for review, they will then be sent from Council to the STA for comment.
- (d) Swept paths to show Council waste vehicles performing all the left turn movements from both sides of both Wigram Road and Ross Street are also required.
- (e) The design must also include details to address how the overland flow will be managed as a result of the median.
- (f) Once Council and the STA are satisfied, the plans will then require referral to the Local Pedestrian, Cycling and Traffic Calming Committee for endorsement.
- (g) The median must be endorsed by the LPCTCC and included in the Essential Infrastructure plans for Precinct 1 prior to their submission.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

(92) SECTION 116 OF THE ROADS ACT

- (a) The proposed median also requires approval under section 116 of the Roads Act. This requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC), a Traffic Management Plan to be approved by the RMS and a report to Council.
- (b) The developer is required to contact Council's Traffic Operations team when they wish to begin the process.
- (c) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
- (d) This process must be completed prior to any approval for the construction of the median being granted.

Note: The Section 116 process can take up to 12 months from the date that Council is satisfied with the proposal. The Section 116 process can occur concurrently with the process to approve the median design outlined in Condition 92.

(93) TYPICAL STREET SECTIONS

The typical street sections submitted as part of plan PD-DA-013 Rev B are to be amended as follows:

(a) **MC01:**

- (i) in accordance with plan PD-DA-013 Rev B.

Note: If the central lighting option is selected for MC02, MC01 to also be designed with central lighting for consistency.

(b) **MC02:**

- (i) Option 1 (from north to south):
- a. Footpath with lighting 3m; Parking Lane 2.6m; Traffic Lane 2.9m; Swale 3m; Traffic Lane 2.9m; Cycleway buffer 0.4m; Bi-directional cycleway 2.4m; Footpath with lighting 2.8m.
- (ii) Option 2 (central lighting) (from north to south):
- a. Footpath 2.55m; Parking Lane 2.6m; Traffic Lane 2.9m; Swale with lighting 3m; Traffic Lane 2.9m; Cycleway buffer 1.1m; Bi-directional cycleway 2.4m; Footpath 2.55m.

(c) **MC03 AND MC04**

- (i) The typical section for the majority of the road, reading from north to south, must be:
- a. Footpath 2.7m; Parking Lane 2.3m; Traffic Lane 3m; Traffic Lane 3m; Parking Lane 2.3m; Footpath 2.7m.
 - b. The footways will reduce to 2m around the turning head as proposed.

(d) **MC06**

- (i) The proposed typical street section on plan PD-DA-013 Rev B for MC06 is supported in principle.
- (ii) The area must be designed and constructed as a shared zone. The sections will be subject to detailed design to ensure vehicle speeds can be kept down and to ensure pedestrian priority, this may result in the widths varying along its length. The shared zones may need to be designed to not have a linear characteristic.
- (iii) The design of MC06 is to be submitted and approved as part of the Precinct 4 application.

(94) ROAD MC05

- (a) The proposed design for MC05, in particular the proposed two-way section, is not approved as part of this application. The road is to be redesigned as one-way street all the way from MC01 to The Crescent. The typical section along the length of the street is to be 3m traffic lane, 2.5m footpath.

- (b) Council will consider an alternative design that includes a two-way section for MC05 only in conjunction with the DA for Precinct 5. This is because insufficient information is available with Stage 1 to assess the suitability of the two-way proposal.
- (c) If the two-way section is to be progressed as part of the Precinct 5 application, estimation of traffic distribution and any traffic management measures, including signage, must be included in a plan of the proposal.

(95) LOADING ZONE OPERATIONS

- (a) On-street loading zones are public parking spaces and as such cannot be managed by owner's corporations/strata managers/body corporate. No such arrangements are allowed to be put in place.
- (b) Roads and Maritime Services (RMS) leaflets providing information on the use of Loading Zones must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by residents of the building.
- (c) The leaflets must be in place prior to any Occupation Certificate being issued for the residential buildings and must be updated as required and maintained in good order at all times.

(96) MC03 AND MC04 TURNING AREAS

- (a) The turning area for MC04 is supported in principle.
- (b) The turning area at the end of MC03 must replicate, not mirror, that of MC04. The proposed building footprints of 3B and 5B must be amended as a result.

(97) ROUNDABOUT DESIGN

- (a) The provision of a roundabout at the intersection of MC01, MC05 and the road connecting MC01 to the tramsheds is required.
- (b) The roundabout is to be constructed prior to the occupation of Precinct 4. Details are to be provided with the Essential Infrastructure plans
- (c) The proposed roundabout plan is not approved. Approval is subject to detailed design that provides the following:
 - (i) swept paths for a B99 vehicle making all possible movements at this roundabout, including left, right and u-turns from all three of the connecting roads;
 - (ii) swept paths for a Council Waste vehicle performing all left and right turn movements from all 3 roads, and a u-turn from MC01.

(98) TRAM SHEDS LOADING AND WASTE COLLECTION

Loading and waste collection areas associated with the tramsheds use are supported only in principle. Approval is subject to the detailed DA for the

adaptive reuse of the tramsheds and must address truck size and frequency of deliveries. The approved carpark footprint must accommodate safe truck turning movements.

(99) JOHNSTON'S CREEK BRIDGE

Johnston's Creek Bridge is not currently wide enough for two-way traffic flows and a pedestrian footway. Arising from the adaptive reuse of the tramsheds, an upgrade to the bridge may be required.

The DA for the adaptive reuse of the tramsheds must be accompanied by a traffic and parking report that addresses the impact of the proposed use on Johnston's Creek Bridge. To address the impacts on the Bridge one of three options will need to be adopted:

- (a) reduce the traffic flow across the bridge to allow a single lane flow to be managed with suitable traffic control measures;
- (b) construct a secondary pedestrian and cycle bridge adjacent to the existing bridge and remove the existing footway to widen the carriageway for two-way traffic flow;
- (c) widen the existing bridge to allow two-way traffic flow and a pedestrian footway on either side.

(100) BUS SHELTER ON MINOGUE CRESCENT

No approval is granted for the removal or relocation of the bus shelter on Minogue Crescent as part of this DA.

(101) CAR SHARE

- (a) Car share spaces must be provided in accordance with the Harold Park DCP requirements for car share allocation and shall be made available to members of the public and residents and available at all times.
- (b) To enable the assessment of car share spaces across the site, all Stage 2 DAs for residential Precincts must provide details on:
 - (i) the number of apartments approved to date;
 - (ii) the minimum number of car share spaces the approved number of units would require;
 - (iii) the expected total number of units within the whole development site;
 - (iv) the expected total number of car share spaces to be provided;
 - (v) the number of car share spaces approved to date (including on and off street);
- (c) Car share spaces are to be located together in the most convenient locations within the basements and are to be used exclusively for car share.

(102) PARKING PLAN

- (a) An area wide parking plan must be submitted to the City's Traffic Operations Unit for review and approval. This plan must show all the proposed parking restrictions proposed to be put in place across the Harold Park site as a whole. This plan will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for information only. This plan must be approved prior to any of the street specific parking plans, required under (b), being approved.
- (b) Street specific parking plans must be submitted to the City's Traffic Operations Unit for approval. These plans must include the location and information present on each stem and sign. The plans must include chainages to each sign and stem from the kerb line of the nearest intersection. The street specific parking plans must be in line with the area wide parking plan, with any changes identified with the submission. The street specific parking plans must be submitted as part of the Public Domain package of works for each of the streets. The signs must be approved and installed prior to the road being open for public use and prior to the occupation certificate being granted. The plans will require a referral to the LPCTCC for endorsement.

The Area Wide Parking Plan and the Precinct 1 Street Specific Parking Plans can be referred to the same Committee meeting.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant officer being satisfied with the proposal.

(103) TRAFFIC CALMING

- (a) An area wide traffic calming plan must be submitted to the Traffic Operations team for review and approval. This plan must show all the proposed traffic calming devices proposed to be installed on the internal road network within the Harold Park site. This plan will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for endorsement.
- (b) All works must be endorsed by the LPCTCC and included in the Essential Infrastructure plans prior to their submission.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant officer being satisfied with the proposal.

(104) COST OF SIGNPOSTING**(105) LOCATION OF DRIVEWAYS****(106) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS****Start of subdivision conditions**

(107) SUBDIVISION OF THE SITE

The subdivision of the site is to be in accordance with the following drawings prepared by ADW Johnson:

- (a) "Plan of Proposed Subdivision of the Harold Park Paceway Redevelopment", dated 14 June 2012 (Cover Sheet, Revision R),
- (b) Stage 1: Plan of Proposed Subdivision of Lots 711 & 712 in DP 47216, Lot 1 in DP 137040, Lot 1 in DP 193543, Lots 1 & 2 in DP 749029 and Lot 1 in DP 629976 and dated 30 May 2012, sheet 1 of 7 (Revision A),
- (c) Stage 2: Plan of Proposed Subdivision of Lot 105 in the Stage 1 Subdivision, dated 30 May 2012, sheet 2 of 7 (Revision A),
- (d) Stage 3: Plan of Proposed Subdivision of Lot 202 in the Stage 2 Subdivision, dated 30 May 2012, sheet 3 of 7 (Revision A),
- (e) Stage 4: Plan of Proposed Subdivision of Lot 302 in the Stage 3 Subdivision, dated 30 May 2012, sheet 4 of 7 (Revision A),
- (f) Stage 5: Plan of Proposed Subdivision of Lot 402 in the Stage 4 Subdivision, dated 30 May 2012, sheet 5 of 7 (Revision A),
- (g) Stage 6: Plan of Proposed Subdivision of Lot 502 in the Stage 5 Subdivision, dated 30 May 2012, sheet 6 of 7 (Revision A),
- (h) Stage 7: Plan of Proposed Subdivision of Lot 602 in the Stage 6 Subdivision, dated 30 May 2012, sheet 7 of 7 (Revision A).

(108) APPLICATION OF SUBDIVISION CONDITIONS

- (a) Conditions 110 to 113 apply to all subdivision stages (1, 2, 3, 4, 5, 6 and 7).
- (b) Conditions 114 to 116 apply to subdivision stages 2, 3, 4, 5, 6 and 7.
- (c) Conditions 117 to 118 apply to Stage 1 subdivision.
- (d) Conditions 119 to 127 apply to Stage 2 subdivision.
- (e) Conditions 128 to 136 apply to Stage 3 subdivision.
- (f) Conditions 137 to 144 apply to Stage 4 subdivision.
- (g) Conditions 145 to 150 apply to Stage 5 subdivision.
- (h) Conditions 151 to 152 apply to Stage 6 subdivision.
- (i) Conditions 153 to 159 apply to Stage 7 subdivision.

The following conditions apply to all subdivision stages (1, 2, 3, 4, 5, 6 and 7):

(109) SUBDIVISION CERTIFICATE

A separate application is to be made to Council to obtain the approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

(110) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 Subdivider 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 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.

(111) STORMWATER DRAINAGE EASEMENT

The construction, diversion or deviation of any public stormwater drainage system within the site, if required, is to be the subject of a documentary Easement for Drainage of a width and terms acceptable to Council, created under Section 88B of the Conveyancing Act 1919 to Council's satisfaction.

(112) EASEMENT AND COVENANTS

Any easements, rights of way and/or positive/restrictive covenants required as a consequence of the subdivision are to be created pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

The following additional conditions below are to be satisfied for subdivision stages 2, 3, 4, 5, 6 and 7:

(113) SECTION 138 APPROVAL

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council to obtain approval under Section 138 of the Roads Act 1993.

(114) PUBLIC UTILITY SERVICES

- (a) Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities with services to be installed in the new roads have been satisfied with regard to the design and provision of those services.
- (b) Prior to the issue of the Subdivision Certificate for the Stage 2 subdivision, documentary evidence is to be submitted to Council that

the requirements of all public utility service authorities have been satisfied with regard to the completion of construction and installation of those services.

(115) STRATA SUBDIVISION

Any proposal to Strata subdivide a lot in the subdivision will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier.

The following additional conditions below apply to the Stage 1 Subdivision proposal:

(116) RESTRICTION ON LOT 103

A documentary Restriction on Use of Land is to be created pursuant to Section 88B of the Conveyancing Act 1919, burdening Lot 103 in the proposed subdivision and is to be created in terms that prohibit the use or occupation of any part of any future development of that lot and prohibit the issue of an Occupation Certificate for such development until the Stage 2 Plan of Subdivision has been registered at the Office of Land and Property Information NSW.

(117) RIGHT OF CARRIAGEWAY AND EASEMENTS

The following documentary easements are to be created pursuant to Sec 88B of the Conveyancing Act 1919:

- (a) A Right of Carriageway of variable width over the vehicular access driveway from Maxwell Road to the northern boundary of proposed Lot 105, burdening proposed Lot 104 and benefitting proposed Lot 105;
- (b) An Easement for Overhang, 0.3 wide, burdening proposed Lot 104 and benefitting proposed Lot 101;
- (c) A Right of Access burdening that part of proposed Lot 101 denoted "(X)" in the approved Stage 1 Plan of Proposed Subdivision and benefitting proposed Lot 104 in terms granting rights for maintenance, upkeep and re-development of that part of Lot 104 designated "(W)" on the approved Stage 1 Plan of Proposed Subdivision;
- (d) An Easement for Overland Flow burdening that part of proposed Lot 101 denoted "(Y)" in the approved Stage 1 Plan of Proposed Subdivision and benefitting proposed Lot 104 in terms granting rights for maintenance, upkeep and re-development of that part of Lot 104 designated "(W)" on the approved Stage 1 Plan of Proposed Subdivision;
- (e) A documentary Right of Public Access over those parts of proposed Lot 101 marked as "(Z)" on the approved Stage 1 Plan of Proposed Subdivision and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction; and

- (f) A documentary Positive Covenant is to be created and registered on the Title of proposed Lot 101, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the above Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council

all as shown on the Stage 1 Plan of Proposed Subdivision. The terms, size, dimensions and location of all of the above Easements are to be to the satisfaction of Council.

The following additional conditions apply to the Stage 2 Subdivision proposal:

(118) ROAD DEDICATIONS

The owner of the site shall dedicate to the public as road, free of cost to Council, the roads referred to in the Stage 2 Plan of Proposed Subdivision as "Road 1", "Road 2", "Road 4" and the "road widening variable width" of Minogue Crescent.

(119) PROPOSED LOT 203

Proposed Lot 203 is to be deleted from the subdivision and incorporated into the land to be dedicated as public road and referred to as "road widening variable width" of Minogue Crescent.

(120) RIGHT OF CARRIAGEWAY FOR TEMPORARY TURNING CIRCLE

A documentary Right of Carriageway:

- (a) is to be created pursuant to Section 88B of the Conveyancing Act 1919 over the part of proposed Lot 202 near the western end of proposed "Road 2" for the purpose of providing temporary formal vehicle turning rights for service vehicles (such as garbage trucks) accessing the future development on Lot 201,
- (b) is to be created appurtenant to Council, in terms granting rights of vehicular access to the public, to Council's satisfaction,
- (c) is to include a sunset clause allowing termination and release of the Right of Carriageway upon completion of construction of all roadworks required at the intersection of Minogue Crescent and proposed "Road 2".

(121) DESIGN AND CONSTRUCTION OF ROADS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of "Road 1", "Road 2", "Road 4", "road widening variable width" of Minogue Crescent and the temporary turning circle are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as

public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" or Council's specification current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:
- (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
 - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
 - (iii) Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the roads will marry in with their thresholds with Ross Street, Minogue Crescent and Wigram Road,
 - (iv) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,
 - (v) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
 - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
 - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
 - (viii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (ix) Details of traffic management and site management procedures during the construction process,

- (x) Specifications showing assumptions, calculations and testing.
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(122) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being the construction of "Road 1", "Road 2", "Road 4", the "road widening variable width" of Minogue Crescent and the temporary turning circle, is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(123) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(124) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Stage 2 subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(125) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the Stage 2 subdivision, the public domain works associated with the Stage 2 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(126) SUBDIVISION

Any proposal to subdivide Proposed Lots 200 and 201 to separate in title the components of any future development will require the lodgment of a

separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

The following additional conditions apply to the Stage 3 Subdivision proposal:

(127) ROAD DEDICATIONS

The owner of the site shall dedicate to the public as road, free of cost to Council, the roads referred to in the Stage 3 Plan of Proposed Subdivision as "Road 1".

(128) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the Stage 3 development, a documentary Right of Public Access (limited in stratum) is to be created and registered on the Title of proposed Lot 301. The Easement is to be defined over the through-site link over those parts of proposed Lot 301 marked as "(C)" on the Stage 3 plan accompanying the application and passing from Proposed "Road 1" to proposed Lot 104, is to be limited in depth to an extent that excludes the basement car parking structure below, and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the Stage 3 development, a documentary Positive Covenant is to be created and registered on the Title of proposed Lot 301, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(129) RIGHT OF CARRIAGEWAY FOR TEMPORARY TURNING CIRCLES

A documentary Right of Carriageway:

- (a) is to be created pursuant to Section 88B of the Conveyancing Act 1919 over the part of proposed Lot 302 adjacent to the alignment of proposed "Road 1" for the purpose of providing temporary formal vehicle turning rights for service vehicles (such as garbage trucks) accessing the future development on Lot 301,
- (b) is to be created appurtenant to Council, in terms granting rights of vehicular access to the public, to Council's satisfaction,
- (c) is to include a sunset clause allowing termination and release of the Right of Carriageway upon completion of construction of roadworks for the extension of proposed "Road 1".

(130) DESIGN AND CONSTRUCTION OF ROADS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of proposed "Road 1" and the temporary turning circle are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" or Council's specification current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:
 - (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
 - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
 - (iii) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,
 - (iv) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
 - (v) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
 - (vi) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
 - (vii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (viii) Details of traffic management and site management procedures during the construction process,

- (ix) Specifications showing assumptions, calculations and testing.
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(131) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being the construction of "Road 1", is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(132) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(133) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Stage 3 subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(134) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the Stage 3 subdivision, the public domain works associated with the Stage 3 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(135) SUBDIVISION

Any proposal to subdivide Proposed Lot 301 to separate in title the components of any future development will require the lodgment of a separate development application and subsequent approval from the Council

of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

The following additional conditions apply to the Stage 4 Subdivision proposal:

(136) ROAD DEDICATIONS

The owner of the site shall dedicate to the public as road, free of cost to Council, the roads referred to in the Stage 4 Plan of Proposed Subdivision as "Road 1", "Road 3" and the "road widening variable width" of The Crescent.

(137) PROPOSED LOT 403

Proposed Lot 403 is to be deleted from the subdivision and incorporated into the land to be dedicated as public road and referred to as "road widening variable width" of The Crescent.

(138) DESIGN AND CONSTRUCTION OF ROADS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of "Road 1", "Road 3" and "road widening variable width" of The Crescent are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" or Council's specification current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:
 - (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
 - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
 - (iii) Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the roads will marry in with their thresholds with The Crescent,

- (iv) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,
 - (v) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
 - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
 - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
 - (viii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (ix) Details of traffic management and site management procedures during the construction process,
 - (x) Specifications showing assumptions, calculations and testing.
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(139) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being the construction of "Road 1", "Road 3" and the "road widening variable width" of The Crescent, is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(140) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(141) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Stage 4 subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(142) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the Stage 4 subdivision, the public domain works associated with the Stage 4 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(143) SUBDIVISION

Any proposal to subdivide Proposed Lot 401 to separate in title the components of any future development will require the lodgment of a separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

The following additional conditions apply to the Stage 5 Subdivision proposal:**(144) DESIGN AND CONSTRUCTION OF ROADS**

- (a) Detailed engineering, driveway and associated drainage and infrastructure works, design and construction plans for the construction of the access driveway within "(A) Proposed Right of Carriageway Variable Width" are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" or Council's specification current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed driveway pavement, drainage and infrastructure works for the construction of the driveway prepared and certified by a Professional Engineer, and is to include geometric design and pavement design of the driveway including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of

pavement and surfacing, stormwater drainage design, footway crossing design and specific design and specification for the vehicular crossing in Maxwell Road.

- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(145) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being construction of the access driveway within "(A) Proposed Right of Carriageway Variable Width", is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(146) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(147) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Stage 5 subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(148) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the Stage 5 subdivision, the public domain works associated with the Stage 5 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(149) SUBDIVISION

Any proposal to subdivide Proposed Lot 501 to separate in title the components of any future development will require the lodgment of a separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

The following additional conditions apply to the Stage 6 Subdivision proposal:**(150) COMPLETION OF PUBLIC DOMAIN WORKS**

Prior to the issue of the Subdivision Certificate for the Stage 6 subdivision, any public domain works associated with the Stage 6 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(151) SUBDIVISION

Any proposal to subdivide Proposed Lot 601 to separate in title the components of any future development will require the lodgment of a separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

The following additional conditions apply to the Stage 7 Subdivision proposal:**(152) ROAD DEDICATIONS**

The owner of the site shall dedicate to the public as road, free of cost to Council, the roads referred to in the Stage 7 Plan of Proposed Subdivision as "Road 5".

(153) DESIGN AND CONSTRUCTION OF ROADS

- (a) Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of proposed "Road 5" are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Development Specifications for Civil Works Design and Construction" or Council's specification current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.
- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:

- (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,
 - (ii) Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,
 - (iii) Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the roads will marry in with their thresholds with The Crescent,
 - (iv) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,
 - (v) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system,
 - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,
 - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,
 - (viii) Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,
 - (ix) Details of traffic management and site management procedures during the construction process,
 - (x) Specifications showing assumptions, calculations and testing.
- (c) The certification is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the

final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

(154) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above subdivision work, being the construction of proposed "Road 5" is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(155) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(156) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Stage 7 subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

(157) COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the Stage 7 subdivision, the public domain works associated with the Stage 7 subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

(158) SUBDIVISION

Any proposal to subdivide Proposed Lot 701 to separate in title the components of any future development will require the lodgment of a separate development application and subsequent approval from the Council of the plan of subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

End of subdivision conditions

(159) EROSION AND SEDIMENT CONTROL

(160) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(161) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

- (162) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (163) BARRICADE PERMIT**
- (164) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (165) COVERING OF LOADS**
- (166) VEHICLE CLEANSING**
- (167) VEHICLE FOOTWAY CROSSING**
- (168) ROADS ACT 1993 APPROVALS**
- (169) ASSOCIATED ROADWAY COSTS**
- (170) TRAFFIC WORKS**
- (171) VEHICLES ACCESS**
- (172) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (173) LOADING AND UNLOADING DURING CONSTRUCTION**
- (174) NO OBSTRUCTION OF PUBLIC WAY**
- (175) USE OF MOBILE CRANES**
- (176) EMISSIONS**
- (177) CLASSIFICATION OF WASTE**
- (178) ASBESTOS REMOVAL**
- (179) SKIPS AND BINS**
- (180) SIGNAGE LOCATION AND DETAILS**
- (181) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

SCHEDULE 2

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

Carried unanimously.

Note - The Chair (the Lord Mayor), supported by the Committee, commended staff on the detailed work undertaken on this development application.

ITEM 5 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY COUNCIL (S040864)

Moved by the Chair (the Lord Mayor), seconded by Mr Pearson -

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 6 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 7 PLANNING PROPOSAL TO RECLASSIFY 1A NEWCOMBE STREET PADDINGTON FROM COMMUNITY LAND TO OPERATIONAL LAND (S091888)

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

It is resolved that the Central Sydney Planning Committee:

- (A) approve the Planning Proposal to reclassify 1A Newcombe Street, Paddington from Community Land to Operational Land, shown at Attachment A to the subject report, for submission to the Department of Planning and Infrastructure with a request for a Gateway Determination in accordance with Section 56(1) of the Environmental Planning and Assessment Act 1979 and Section 39(1) of the City of Sydney Act, 1988, and, following receipt of the Gateway Determination, approve the public exhibition of the Planning Proposal in accordance with the Gateway Determination; and
- (B) note that the report to the Planning Development and Transport Committee on 23 July 2012 recommends that Council delegate authority to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway Determination, to enable the commencement of public exhibition.

Carried unanimously.

ITEM 8 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 9 GENERAL BUSINESS

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

The meeting concluded at 9.00pm.

CHAIR