

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 386  
Thursday 16 August 2012  
Notice Date 10 August 2012

*minutes*

*city of villages*

**INDEX TO MINUTES**

<b>ITEM</b>	<b>PAGE NO</b>
1. <b>DISCLOSURES OF INTEREST .....</b>	<b>219</b>
2. <b>CONFIRMATION OF MINUTES .....</b>	<b>219</b>
3. <b>MATTERS ARISING FROM THE MINUTES.....</b>	<b>219</b>
4. <b>DEVELOPMENT APPLICATION: 1 HUTCHINSON WALK AND 6A VICTORIA PARK PARADE ZETLAND.....</b>	<b>219</b>
5. <b>CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES - UPDATE .....</b>	<b>241</b>
6. <b>GENERAL BUSINESS .....</b>	<b>241</b>

**PRESENT**

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

Members - The Hon Craig Knowles, Mr Neil McGaffin (Alternate Member to Mr Richard Pearson, Deputy Director General - Development Assessment and Systems Performance, NSW Department of Planning and Infrastructure), Councillor John McInerney, Mr Peter Poulet, Councillor Di Tornai, the Hon Robert Webster.

At the commencement of business at 6.05pm, those present were -

The Lord Mayor, Mr Knowles, Mr McGaffin, Councillor McInerney, Mr Poulet, Councillor Tornai, Mr Webster.

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

**Apologies**

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

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

That the apology from Mr Pearson be received and leave of absence from the meeting be granted.

Carried unanimously.

**ITEM 1 DISCLOSURES OF INTEREST (S092508)****(a) Section 451 of the Local Government Act 1983**

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

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

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

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

Moved by Councillor Tornai, seconded by Mr Knowles -

That the minutes of the meeting of the Central Sydney Planning Committee of 26 July 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 26 July 2012.

**ITEM 4 DEVELOPMENT APPLICATION: 1 HUTCHINSON WALK AND 6A VICTORIA PARK PARADE ZETLAND (D/2011/1818)**

Moved by Mr Knowles, seconded by Councillor Tornai -

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

**SCHEDULE 1A****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

**(1) STAGED CONSTRUCTION**

This consent allows staging of works into 3 stages, with these stages referred to as follows:

**(a) Stage 1:**

- (i) Excavation of basement levels 1 and 2;

- (ii) Construction of Buildings B, C and D;
  - (iii) Construction of slabs at ground and first floor only for Buildings A and E (not occupied);
  - (iv) Construction and landscaping of the northern component of the podium communal courtyard; and
  - (v) Construction of the Linear Park (Lot 306).
- (b) **Stage 2:**
- (i) Construction of Building E and ground floor gymnasium; and
  - (ii) Construction and landscaping of the southwestern corner of the podium communal courtyard.
- (c) **Stage 3:**
- (i) Construction of Building A; and
  - (ii) Construction and landscaping of the southeastern corner of the podium communal courtyard.

Various conditions in this consent make reference to the requirements of conditions as they may refer to each stage.

**(2) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1818, dated 9 November 2011, and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA100 Revision R <i>Basement Level 02</i>	Turner & Associates	14 May 2012
DA101 Revision S <i>Basement Level 01</i>	Turner & Associates	14 May 2012
DA102 Revision T <i>Level 01</i>	Turner & Associates	14 May 2012
DA103 Revision U <i>Level 02</i>	Turner & Associates	14 May 2012
DA104 Revision G <i>Level 03</i>	Turner & Associates	14 May 2012
DA105 Revision U <i>Level 04</i>	Turner & Associates	14 May 2012
DA106 Revision U <i>Level 05</i>	Turner & Associates	14 May 2012

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA107 Revision G <i>Level 06</i>	Turner & Associates	14 May 2012
DA108 Revision U <i>Level 07</i>	Turner & Associates	14 May 2012
DA109 Revision G <i>Level 08</i>	Turner & Associates	14 May 2012
DA110 Revision T <i>Level 09</i>	Turner & Associates	14 May 2012
DA111 Revision U <i>Level 10</i>	Turner & Associates	14 May 2012
DA112 Revision G <i>Level 11-12</i>	Turner & Associates	14 May 2012
DA113 Revision A <i>Level 13-15</i>	Turner & Associates	14 May 2012
DA115 Revision F <i>Roof Plan/Site Plan</i>	Turner & Associates	14 May 2012
DA201 Revision G <i>North Elevation</i>	Turner & Associates	14 May 2012
DA202 Revision G <i>East Elevation</i>	Turner & Associates	14 May 2012
DA203 Revision H <i>South Elevation</i>	Turner & Associates	14 May 2012
DA204 Revision H <i>West Elevation</i>	Turner & Associates	14 May 2012
DA301 Revision F <i>Section A</i>	Turner & Associates	14 May 2012
DA302 Revision F <i>Section B</i>	Turner & Associates	14 May 2012
DA303 Revision F <i>Section C</i>	Turner & Associates	14 May 2012
DA304 Revision F <i>Section D</i>	Turner & Associates	14 May 2012
DA600 Revision F <i>Adaptable &amp; Visitable Apartments</i>	Turner & Associates	14 May 2012

and as amended by the conditions of this consent:

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

**(3) DESIGN MODIFICATIONS**

The design of the development must be modified as follows:

- (a) The garbage collection/holding area shall be redesigned to incorporate the following:
  - (i) Provision of a single vehicular access point from Kirby Walk;
  - (ii) Deletion of the vehicular egress and crossover to George Julius Avenue;
  - (iii) Provision of a turntable within the garbage collection room to ensure all vehicles can enter and exit the site in a forward direction;
  - (iv) The garbage collection room must be designed to accommodate for residential removal vehicles and bulky goods/furniture deliveries vehicles; and
  - (v) The garbage collection room and turn table must be designed to accommodate a Council waste collection vehicle as defined in the City's "Policy for Waste Minimisation in New Developments";
  - (vi) The developer must submit the following information:
    - a. Amended architectural plans, including Level 01 (Drawing No. DA102) and East Elevation (Drawing No. DA202) and any other accompanying plans and documentation shall be submitted to illustrate the deletion of the crossover in George Julius Avenue.
    - b. Amended detailed driveway plans shall be submitted illustrating both of the following options.
    - c. A standard driveway crossover at the kerb line to Kirby Walk; and
    - d. A driveway with kerb extensions similar to those proposed to the basement car park entry from George Julius Avenue.
    - e. Both options will be assessed by Council Officer's on traffic safety, loss of on-street car parking, impacts on drainage and architecture/urban design of the development.
    - f. Swept path analysis prepared by a suitably qualified Traffic Engineer, shall accompany the amended plans illustrating the vehicle entering and exiting the garbage collection room, as well as a clear path of rotation for the vehicle when on the turntable.

The modifications are to be submitted to and approved by to the Director City Planning, Development and Transport prior to the issue of any Stage 1 Construction Certificate.

**(4) DESIGN DETAILS (MAJOR DEVELOPMENT)**

**(5) DESIGN QUALITY EXCELLENCE**

**(6) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the residential use must not exceed 4.44:1 (for Lot 305 only) calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purposes of the calculation of FSR, the total Gross Floor Area for the development of Lot 305 is 29,852sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under South Sydney Local Environmental Plan 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(7) BUILDING HEIGHT**

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

	<b>RL to the Top of the Lift overrun and Plant</b>	<b>RL to the Parapet of the Building</b>
<b>Building A</b>	71.20	70.40
<b>Building B</b>	43.70	41.70
<b>Building C</b>	56.10	54.15
<b>Building D</b>	50.00	47.90
<b>Building E</b>	49.40	47.65

- (b) Prior to a final Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

**(8) APPROVED DESIGN ROOF - TOP PLANT**

**(9) USE OF COMMON AREAS AND FACILITIES**

**(10) ADAPTABLE APARTMENTS**

Prior to the issue of a Stage 1 Construction Certificate amended plans shall be submitted to and approved by the Director City Planning, Development and Transport to illustrate the provision of 48 adaptable units within the development.

**(11) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required at the following stages.

**Contribution payable at Stage 1 Construction Certificate:**

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$432,704.73
Public Domain	\$266,521.16
New Open Space	\$2,076,671.47
New Roads	\$527,415.98
Accessibility	\$21,875.07
Management	\$23,651.99
<b>Stage 1 Total:</b>	<b>\$3,348,840.40</b>

**Contribution payable at Stage 2 Construction Certificate:**

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$81,878.24
Public Domain	\$50,432.27
New Open Space	\$392,956.66
New Roads	\$99,799.91
Accessibility	\$4,139.29
Management	\$4,475.33
<b>Stage 2 Total:</b>	<b>\$633,681.91</b>

**Contribution payable at Stage 3 Construction Certificate:**

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$279,762.36
Public Domain	\$172,317.48
New Open Space	\$1,342,658.09
New Roads	\$340,997.28
Accessibility	\$14,143.18
Management	\$15,292.04
<b>Stage 3 Total:</b>	<b>\$2,165,170.42</b>



The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2012.

The nominated contribution for a stage must be paid prior to issue of a Construction Certificate for that stage. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

**(12) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE**

In accordance with Clause 27P of South Sydney Local Environmental Plan 1998 (as amended), and prior to a Construction Certificate being issued for each stage, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged.

The contribution for each stage is detailed as follows:

**Stage 1 Contribution:**

The contribution is \$2,480,930.62 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area 18,166sqm. Contributions will be indexed in accordance with the formula set out below.

**Stage 2 Contribution:**

The contribution is \$399,740.39 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area 2,927sqm. Contributions will be indexed in accordance with the formula set out below.

**Stage 3 Contribution:**

The contribution is \$1,548,020.95 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area 11,335sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2012 to 28 February 2012, the amount of the contribution will be indexed in accordance with the formula set out below.

**Notes:****(a) Applicants have two payment options:**

Option 1 is payment by bank cheque using 'Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque'. Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using 'Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee'. Form A must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using 'Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque'. Form C must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b)** Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.
- (c)** Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d)** The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

- (e) Contributions at Time of Payment =  $C \times \text{HPI}_2 / \text{HPI}_1$ , where:
- (i) C is the original contribution amount as shown above;
  - (ii)  $\text{HPI}_2$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii)  $\text{HPI}_1$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2012 to 28 February 2013.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)).

**(13) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

**(14) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

**(15) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS**

**(16) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

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

A maximum of 326 off-street car parking spaces must be provided. The allocation of the spaces is to be as follows:

Residential	272
Visitor	54

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

**(18) BICYCLE PARKING**

**(19) SERVICE VEHICLES**

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

approved by the Certifying Authority prior to a Stage 1 Construction Certificate being issued.

**(20) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.6 metres.

**(21) ALLOCATION FOR CAR WASH BAYS**

**(22) ALLOCATION FOR VISITOR PARKING**

**(23) ACCESSIBLE PARKING SPACE**

**(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

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

**(26) LOCATION OF VISITOR PARKING**

**(27) INTERCOM FOR VISITORS**

**(28) VEHICLE ACCESS**

**(29) SIGNS AT EGRESS**

**(30) SECURITY GATES**

**(31) VEHICLE FOOTWAY CROSSING**

**(32) LOADING WITHIN SITE**

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

**(34) TRAFFIC WORKS**

**(35) ASSOCIATED ROADWAY COSTS**

**(36) COST OF SIGNPOSTING**

**(37) COMPLIANCE WITH ACOUSTIC REPORT**

The development shall be designed and constructed to include the recommendations in the Acoustic Report (Ref:20110805.1/1810A/R2/GC), dated 18 October 2011 and prepared by Acoustic Logic.

A statement prepared by an accredited Acoustic Consultant shall be submitted to the Council a minimum of one (1) month prior to the issue of an Occupation Certificate for each stage of the development certifying that the acoustic mitigation measures identified in the Acoustic Assessment Report, dated 18 October 2011 and prepared by Acoustic Logic are suitably incorporated into the development, and the internal noise amenity criteria stated within the subject report have been met prior to issue of an Occupation Certificate for each Stage.

**(38) NOISE USE****(39) ACOUSTIC VERIFICATION REPORT - MECHANICAL SERVICES**

A further Acoustic Assessment must be submitted to Council for review prior to the issue of a Stage 1 Occupation Certificate outlining the extent of the mechanical services provided within the development and confirming that resultant maximum individual and combined operational noise levels complies with the City of Sydney "Noise Use" condition which forms part of the consent . Should the report indicate that resultant noise levels exceed the noise criteria then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance.

The report must be prepared by an appropriately qualified Acoustic Consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants

**(40) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS****(41) SWIMMING POOL/SPA PUMPS IN RESIDENTIAL PREMISES****(42) EXTERNAL LIGHTING****(43) REFLECTIVITY****(44) DEWATERING****(45) WASTE AND RECYCLING COLLECTION****SCHEDULE 1B****Prior to Construction Certification/Commencement of Work/Health and Building**

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

**(46) SYDNEY AIRPORT REFERRAL****(47) NO WORKS PRIOR TO A CONSTRUCTION CERTIFICATE****(48) LAND SUBDIVISION - SEPARATE DA REQUIRED****(49) STRATA SUBDIVISION - SEPARATE DA REQUIRED****(50) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA****(51) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC****(52) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

- (53) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (54) ANNUAL FIRE SAFETY STATEMENT FORM**
- (55) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**
- (56) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**
- (57) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**
- (58) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**
- (59) DILAPIDATION REPORT - MAJOR EXCAVATION**
- (60) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**
- (61) ROAD OPENING PERMIT**
- (62) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (63) BARRICADE PERMIT**
- (64) FOOTPATH DAMAGE BANK GUARANTEE**
- (65) ALIGNMENT LEVELS**
  - (a) Prior to of a Stage 1 Construction Certificate being issued, footpath alignment levels for the building and Linear Park 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 a Stage 1 Construction Certificate, 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.
- (66) PUBLIC DOMAIN PLAN**

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to the Stage 1 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 and must be generally consistent with the conditions, treatments and finishes approved under the Public Domain Masterplan (DU/2000/00759) and the Victoria Park Masterplan.

If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application.

Details of public domain works staging (if any) are to be submitted with the Public Domain Plan for approval by Council.

The works to the public domain as they relate to each stage (to be approved by Council) are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect to each stage of the development or before the use commences, whichever is earlier.

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

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

The Bank Guarantee may be partially released following completion of each distinct stage of the public domain works related to the development stages.

The Bank Guarantee value associated with each stage of public domain works will be retained in full until all Public Domain works for that stage 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 for the stage will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(67) PUBLIC DOMAIN AND LINEAR PARK WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to the Stage 1 Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover (as required) of the constructed public domain and park works is to be undertaken in accordance with the

City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

**(68) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

- (a) Prior to a Construction Certificate being issued for Stage 1 works, details of the proposed stormwater disposal and drainage from the development and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) 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.

**(69) FLOOD ASSESSMENT REPORT**

The development shall be constructed in accordance with the recommendations contained within the report prepared by WMA Water, titled Flood Assessment Lot 305 Victoria Park Zetland Final Report, dated October 2011. Details shall be submitted to the Certifying Authority demonstrating that the development has been constructed in accordance with the recommendations contained within this report.

**(70) PRESERVATION OF SURVEY MARKS**

**(71) LANDSCAPING OF THE SITE (LOT 305)**

- (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 the Stage 1 Construction Certificate. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) The minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf and grasses, over and above all drainage materials. Reduced planter depth may be acceptable pending approval of the planter bed width, depth, irrigation and species selection by Council;
  - (iv) Location, numbers and type of plant species;
  - (v) Details of planting procedure and maintenance;



- (vi) Details of drainage and watering systems;
  - (vii) Details of landscape staging and any temporary works (if any) including fencing, drainage, irrigation capping, planter retaining structures or similar.
- (b) Prior to the issue of the Stage 1 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
  - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

**(72) PAVING MATERIALS**

**(73) NO ENCROACHMENT INTO PUBLIC DOMAIN**

**(74) LINEAR PARK DESIGN AMENDMENT (LOT 306)**

The design of the Linear Park is to be further resolved in consultation with Council's Public Domain Section. The following design modifications are to be included:

- (a) The proposed landscape treatment must be fully integrated with the public domain treatments to Kirby Walk, Gadigal Avenue and Victoria Park Parade.
- (b) The design must provide a strong connection between the green spaces to the north and south and the overall Victoria Park public domain network.
- (c) Lighting to the park paths is to be provided to Council and Australian Standards.
- (d) Building entries are not to dictate the design of the park including, planting design and path layout.
- (e) Landscape treatments and finishes are to be to City standards, the City's Public Domain Manual and must be generally consistent with the conditions, treatments and finishes approved under the Public Domain Masterplan (DU/2000/00759) and the Victoria Park Masterplan.
- (f) Details of the water treatment zone are to be provided including documentation of the proposed catchment area and water volumes, water depth at high and low flow, rubbish collection measures, and ground levels.

Three copies of a detailed Linear Park landscape plan documented to a level of detail consistent with construction documentation must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to the Stage 1 Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The works to the Linear Park are to be completed in accordance with the approved plan and the Public Domain Manual before the first Occupation Certificate for the development is issued or before the use commences, whichever is earlier.

**(75) DEMOLITION/SITE RECTIFICATION (if cost is under \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Stage 1 Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to a Stage 1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) a bank guarantee to be provided in the sum of \$2,046,750.00 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$2,046,750.00 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - e. make the building safe and of an appearance acceptable to Council at ground level;

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

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e - h to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

**(76) ELECTRICITY SUBSTATION**

**(77) TELECOMMUNICATIONS PROVISIONS**

**(78) UTILITY SERVICES**

**(79) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)**

**(80) ACOUSTIC PRIVACY BETWEEN UNITS**

**(81) AIRCRAFT NOISE**

**(82) FLOOR TO CEILING HEIGHT**

**(83) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

**(84) ADAPTABLE HOUSING**

**(85) PHYSICAL MODELS**

- (86) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (87) SWIMMING POOL/SPA**
- (88) MINIMISE IMPACT OF SPA ON NEIGHBOURING PROPERTIES**
- (89) SWIMMING POOL - WASTE AND OVERFLOW WATERS**
- (90) MECHANICAL VENTILATION**
- (91) CAR PARK VENTILATION**
- (92) MICROBIAL CONTROL**
- (93) CONTROL OF LEGIONNAIRES DISEASE**
- (94) WATER POLLUTION**

#### **SCHEDULE 1C**

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

- (95) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (96) SURRENDER OF PRIOR CONSENT**

Prior to the issue of any Occupation Certificate for the development, the applicant/developer must surrender the existing development consent for the site pursuant to D/2008/1939.

- (97) RIGHT OF PEDESTRIAN ACCESS**

Prior to the issue of a Stage 1 Occupation Certificate, evidence must be submitted to Council to indicate that either:

- (a) An easement has been registered on the title of Lot 306 DP1063152 to permit a right of pedestrian access across this allotment to benefit the residents of Building D and E of Lot 305 DP 1063152; or
- (b) That Lot 306 DP 1063152 has been dedicated to Council as public open space.

- (98) BASIX**
- (99) HOURS OF WORK AND NOISE - OUTSIDE CBD**
- (100) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (101) NOTIFICATION OF EXCAVATION WORKS**
- (102) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (103) SYDNEY WATER CERTIFICATE**
- (104) PROTECTION OF STREET TREES DURING CONSTRUCTION**

**(105) COVERING OF LOADS**

**(106) VEHICLE CLEANSING**

**(107) LOADING AND UNLOADING DURING CONSTRUCTION**

**(108) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

**(109) NO OBSTRUCTION OF PUBLIC WAY**

**(110) USE OF MOBILE CRANES**

**(111) EROSION AND SEDIMENT CONTROL**

**(112) HAZARDOUS AND INDUSTRIAL WASTE**

**(113) SURVEY**

**(114) SURVEY CERTIFICATE AT COMPLETION**

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

## **SCHEDULE 2**

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

## **SCHEDULE 3**

### **(116) RMS CONCURRENCE CONDITIONS**

- (a) Priority and circulation arrangements within the car park should be clearly defined to ensure orderly and safe traffic movement.
- (b) The proposed pedestrian accesses shall comply with AS 1428 for access and mobility.
- (c) Vegetation and proposed landscaping/fencing must not hinder sightlines to and from the proposed access driveways to pedestrians and cyclists along George Julius Avenue.
- (d) All vehicles shall enter and exit the site in a forward direction.
- (e) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with AS 2890.1 - 2004.
- (f) All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

**SCHEDULE 4****Terms of Approval****Integrated Development Approvals**

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

**(117) GENERAL AND ADMINISTRATIVE ISSUES**

- (a) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
- (b) Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- (c) The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- (d) If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
- (e) Suitable documents are to be supplied to the NSW Office of Water of the following:
  - (i) A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
  - (ii) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
  - (iii) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
  - (iv) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the

disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.

- (v) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

#### **(118) SPECIFIC CONDITIONS**

- (a) The design and construction of the structure must preclude the need for permanent dewatering.
- (b) The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- (c) Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- (d) Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- (e) Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (f) Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- (g) Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the

Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:

- (i) The treatment to be applied to the pumped water (tailwater) to remove any contamination.
  - (ii) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
  - (iii) The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
- (h) Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- (i) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
  - (ii) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
  - (iii) Locations of settlement monitoring points, and schedules of measurement.

#### **(119) FORMAL APPLICATION ISSUES**

- (a) An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- (b) Upon receipt of a Development Consent from Council of the City of Sydney, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other



required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the Water Act, 1912.

- (c) A licence application under Part 5 of the Water Act 1912 must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

Carried unanimously.

Note - The Chair (the Lord Mayor) thanked and commended Councillor McInerney and Councillor Tornai for their contribution to the Central Sydney Planning Committee during the term of the 2008-2012 Council.

**ITEM 5 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 6 GENERAL BUSINESS (S092508)**

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

The meeting concluded at 6.10pm.

CHAIR