

# EXTRAORDINARY CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 387  
Tuesday 18 September 2012  
Notice Date 14 September 2012

*minutes*

*city of villages*

**INDEX TO MINUTES**

<b>ITEM</b>	<b>PAGE NO</b>
<b>1. DISCLOSURES OF INTEREST .....</b>	<b>244</b>
<b>2. DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 1.....</b>	<b>245</b>
<b>3. DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 2.....</b>	<b>278</b>
<b>4. PREPARATION OF AN AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 UNDER SECTION 73A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO CORRECT A MINOR ERROR .....</b>	<b>314</b>

**PRESENT**

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

Members - The Hon Craig Knowles, Mr Richard Pearson, Mr Peter Poulet and the Hon Robert Webster.

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

The Lord Mayor, Mr Knowles, Mr Pearson, Mr Poulet and Mr Webster.

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

**ITEM 1 DISCLOSURES OF INTEREST****(a) Section 451 of the Local Government Act 1993**

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

**ITEM 2 DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 1 (D/2011/1311)**

The following persons addressed the extraordinary meeting of the Central Sydney Planning Committee - Mr John Gray, Ms Katina Comino, Ms Michele Fraser, Mr Stuart Penklis.

Moved by Mr Knowles, seconded by Mr Webster -

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) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1311 dated 22 August 2011 and the following drawings:

<b>Drawing Number</b>	<b>Revision</b>	<b>Title</b>	<b>Date</b>
DA-P1-000	B	Cover Sheet	June 2012
DA-P1-001	B	Location and Site Plan Precinct 1	June 2012
DA-P1-002	B	Site Analysis Plan Precinct 1	June 2012
DA-P1-003	B	Floor Plan – Basement 2 Precinct 1	June 2012
DA-P1-004	B	Floor Plan – Basement 1 Precinct 1	June 2012
DA-P1-005	B	Floor Plan – Level 1 Precinct 1	June 2012
DA-P1-006	B	Floor Plan – Level 2 Precinct 1	June 2012
DA-P1-007	B	Floor Plan – Level 3 Precinct 1	June 2012
DA-P1-008	B	Floor Plan – Level 4 Precinct 1	June 2012
DA-P1-009	B	Floor Plan – Level 5 Precinct 1	June 2012
DA-P1-010	B	Floor Plan – Level 6 Precinct 1	June 2012
DA-P1-011	B	Floor Plan – Level 7 Precinct 1	June 2012
DA-P1-012	B	Floor Plan – Level 8 Precinct 1	June 2012
DA-P1-013	B	Floor Plan – Roof Precinct 1	June 2012

<b>Drawing Number</b>	<b>Revision</b>	<b>Title</b>	<b>Date</b>
DA-P1-020	B	Elevations – Building A Precinct 1	June 2012
DA-P1-021	B	Elevations – Buildings B Precinct 1	June 2012
DA-P1-022	B	Elevations – Building C	June 2012
DA-P1-023	B	Elevations – Building D Precinct 1	June 2012
DA-P1-025	B	Section – A & B Precinct 1	June 2012
DA-P1-055	B	Facade Elevations Building A	June 2012
DA-P1-056	B	Façade Elevations Building C	June 2012
PD-DA-001	D	Public Domain Cover Sheet	18/06/2012
PD-DA-012	D	Public Footways Plan	18/06/2012

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.

## **(2) CONSTRUCTION CERTIFICATE FOR EARLY WORKS**

- (a) Notwithstanding conditions of this consent and the Stage 1 DA (D/2011/1298) consent except for conditions 17, 18, 19, 22, a construction certificate may be issued for the following preparatory works:
- (i) excavation, shoring and footings; and
  - (ii) installation of services.
- (b) The construction certificate may also allow for the construction of basement structures but only if Condition 69 (Alignment Levels) of the Stage 1 DA (D/2011/1298) has been satisfied and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition 69 is satisfied.
- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition 73 (Floor Levels for Buildings and Structures) of the Stage 1 DA (D/2011/1298) will be complied with. With the exception of part building 1D fronting Minogue Crescent, Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.

## **(3) BUILDING HEIGHT**

- (a) The height of buildings must not exceed the maximums as identified in the below table:

<b>Building</b>	<b>RL (AHD) to the top of the building (incl. plant)</b>	<b>RL (AHD) to roof soffit level</b>
Building 1A	RL 36.00	RL 34.05
Building 1B	RL 36.00	RL 33.85
Building 1C	RL 36.00	RL 34.25
Building 1D	RL 30.00	RL 27.30

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

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

**(5) DESIGN DETAILS (MAJOR DEVELOPMENT)**

- (a) The splayed south-west elevation to levels 7 and 8 of Building 1C is relatively solid. A painted finish is not approved for this location. The elevation is to be treated with a higher quality material, subject to review and approval of the City's Director City Planning, Development and Transport
- (b) The level 1, southern elevation of Building 1D is highly visible. A painted finish is not approved for this location. The elevation is to be treated with a high quality material, subject to review and approval of the City's Director City Planning Development and Transport.
- (c) Final design details, colours, glazing, materials and finishes must be submitted to and approved by the City's Director City Planning, Development and Transport prior to a Construction Certificate being issued for above ground works.

**(6) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The area of open space between 1D and 1C and access to this space requires significant design resolution. A concept landscaped plan must be provided addressing CPTED principles, access arrangements, landscape and fencing details and the potential for the provision of public art.
- (b) The ground floor (Level 1) layout of Building 1A is to be amended to ensure a clear passage of minimum 1.6 metres in width from building entry (off Road No.1) to communal courtyard.
- (c) The proposed letterboxes within the entry canopy on the entry plaza off Road No.2 is not approved and should be deleted. A letterbox strategy is to be submitted providing alternate letter box locations which are more secure. Security, crime prevention and integration of the letterboxes into the built form/landscape features shall be paramount in alternate options presented.
- (d) A minimum of 298 separate residential bicycle parking spaces are to be provided. Where a dwelling has a basement storage area on title that

is large enough to accommodate a bicycle and is no smaller than a Class 1 bicycle locker that space can be included for the purposes of satisfying the required 298 spaces.

- (e) A minimum of 30 separate visitor bicycle parking spaces are to be provided.

Details of the above required modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued for above ground works.

**(7) DESIGN QUALITY EXCELLENCE**

**(8) MAXIMUM GROSS FLOOR AREA**

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 28,712sqm; calculated in accordance with the Harold Park LEP.
- (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 the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation.

**(9) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC**

BASIX Certificate 367105M\_05 and 267245M\_09 accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificates must be specified on the plans submitted with the construction certificate application.

**(10) PUBLIC ART**

The Public Art Strategy prepared by Barbara Flynn, dated February 2012, is to be implemented as part of this development. This includes the incorporation of public art into the pocket park and within Precinct 1 itself.

- (a) Prior to the issue of any occupation certificate, details of the public art are to be approved by Council's Director City Planning, Development and Transport.
- (b) The public art is to be installed prior to the issue of the final occupation certificate.

**(11) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT**

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 1 are to be submitted to the satisfaction of Council prior to the issue of a construction certificate. These details are prepared with input from the applicant's heritage consultant in accordance with the recommendations of the Interpretation Strategy for

the Former Harold Park Paceway site by Graham Brooks and Associates, dated July 2011.

- (b) This interpretation is to be installed to the satisfaction of Council prior to the issue of any occupation certificate for Stage 2 Precinct 1.

**(12) ELECTRICITY SUBSTATIONS**

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 1.

**(13) LAND SUBDIVISION**

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

**(14) STRATA SUBDIVISION**

Any proposal to Strata subdivide the buildings (or parts) will require a separate application to be made to Council or an accredited Strata certifier to obtain approval of the Strata Plan and issue of the Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

**(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

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

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

A maximum of 251 off-street car parking spaces must be provided. This maximum number is inclusive of required car share, motorcycle and accessible spaces. 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 any Construction Certificate for any early work being issued.

**(18) CAR SHARE SPACES**

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate for any early works being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.

- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to residents and visitors of the development at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

**(19) CAR WASH BAYS**

A minimum of 2 car wash bays, measuring a minimum of 3.5m x 5.5m must be provided for the development with water connection and drainage. All wash bay discharges are to be disposed of according to the requirements of the sewer which requires a trade waste agreement with Sydney Water.

**(20) MOTORCYCLES**

An area equivalent to a maximum of 2 car spaces must be provided for motorcycles.

**(21) BICYCLE PARKING**

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

- (a) all bicycle parking for occupants of residential buildings must be Class 1.
- (b) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

**(22) ACCESSIBLE PARKING SPACE**

- (a) The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate for any early works being issued.
- (b) The accessible car parking spaces shown on the plans do not comply with standards/requirements and are to be redesigned to provide a bollard and hatched "shared area".

**(23) TEMPORARY TURNING AREAS**

- (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 (as part of the submission to satisfy Public Domain Plans / Essential Infrastructure conditions).
- (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.

#### **(24) PARKING PLAN**

- (a) A parking plan for Precinct 1 must be submitted to the City's Traffic Operations Unit for approval. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the area wide parking plan, required as part of the Stage 1 approval, with any changes identified with the submission.
- (b) The parking plan for Precinct 1 must be submitted as part of the Public Domain package of works for each of the streets.
- (c) The Precinct 1 signs must be approved and installed prior to the road being open for public use or prior to the issue of an occupation certificate, whichever is sooner. The plans will require a referral to the LPCTCC for endorsement.
- (d) 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.

#### **(25) TRAFFIC CALMING**

- (a) A area wide traffic calming plan must be submitted to the Traffic Operations team for review prior to issue of a Construction Certificate for above ground works. 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. The plan must be approved prior to the issue of any Occupation Certificate.
- (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.

#### **(26) 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.

## **(27) 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.
- (f) Prior to the issuing of any Occupation Certificate for Precinct 1, evidence must be submitted to the approval of Council to demonstrate that the necessary approvals are in place to enable the signals to be delivered in 12 months time as required by (a).

## **(28) SECTION 116 OF THE ROADS ACT**

- (a) Approved medians 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 23.

**(29) VEHICLE FOOTWAY CROSSING**

**(30) 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) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 1 and detail the integration between Precinct 1 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 1.
- (c) The 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.

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

**(32) ALLOCATION FOR VISITOR PARKING**

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

**(34) INTERCOM FOR VISITORS**

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

**(36) LOCATION OF VISITOR PARKING**

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

**(38) SECURITY GATES**

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

**(40) SIGNS AT EGRESS**

**(41) VEHICLES ACCESS**

**(42) NO SPEAKERS OR MUSIC OUTSIDE**

- (43) COMPLIANCE WITH ACOUSTIC REPORT**
- (44) CERTIFICATION OF ACOUSTIC STANDARDS**
- (45) NOISE – USE (GENERAL)**
- (46) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**
- (47) MECHANICAL VENTILATION**
- (48) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (49) MICROBIAL CONTROL**
- (50) AIR HANDLING**
- (51) CONTROL OF LEGIONNAIRES DISEASE**
- (52) RAINWATER HARVESTING & RAINWATER TANKS**
- (53) WATER POLLUTION**
- (54) REFLECTIVITY**
- (55) ANNUAL FIRE SAFETY STATEMENT FORM**

## **SCHEDULE 1B**

### **Prior to Construction Certificate/Commencement of Work/Health and Building**

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

#### **(56) DEWATERING**

As dewatering of the site is required, approval will be required from the Department of Planning under the provisions of Part V of the Water Act, 1912 for a bore licence which may be subject to conditions.

Note: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. Permanent dewatering around a development site, because it considers such development to be unsustainable. For this reason any proposed basement or other area that requires dewatering on an on-going basis will be fully tanked.

#### **(57) 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.

#### **(58) HOARDINGS**

Prior to works commencing, 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.

#### **(59) 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](http://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 and 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](http://www.sydneywater.com.au)

**(60) PHYSICAL MODELS**

**(61) SUBMISSION OF ELECTRONIC MODELS**

**(62) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit.
- (b) The CTMP must include the investigation into the use of the intersection between MC02 and the The Crescent / Minogue Crescent as a construction vehicle driveway. This will also need to be discussed with the RMS and the STA. If this is not possible, the CTM must document why not, along with any relevant supporting documentation.
- (c) Once a CTMP is approved, the development must be carried out in accordance with the CTMP. The CTMP is also to incorporate the requirements of the Construction Traffic Management condition of this consent.

**(63) 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) Construction and Environmental Management Plan for Remediation and 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;
- (b) 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).

**(64) 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.

#### **(65) 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.

#### **(66) 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.

#### **(67) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

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

- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.
- (d) As a consequence of an on-street domestic garbage service, the waste generated by the development must be appropriately compacted and approved compaction systems are to be incorporated in the waste management facilities in the buildings and are to be included in the Waste Management for the development.

#### UPON COMPLETION OF THE DEVELOPMENT

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

#### **(68) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for excavation being granted or a construction certificate being issued in association with Precinct 1, 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.

**(69) FOOTPATH DAMAGE BANK GUARANTEE**

- (a) A Footpath Damage Bank Guarantee of \$33,200 calculated on the basis of a nominated area of 80 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. In this regard, if the security bonds required in accordance with Conditions 17 and 45 of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition.
- (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 guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.

**(70) PUBLIC PARK DAMAGE BANK GUARANTEE (PRIOR TO OCCUPATION)**

- (a) Prior to the issue of any occupation certificate for any residential building or dedication of land to Council, a Public Park Damage Bank Guarantee must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park 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 bank guarantee referred to in (a) above, must be provided to Council no later than the date on which the plan of subdivision for the Public Park is lodged with Land and Property Information for the dedication of that Public Park to Council provided that works have commenced to any other approved development that is adjacent to the Public Park.

**(71) 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 CONSTRUCTION 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.

#### **(72) 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.

**(73) 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).

**(74) 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".

**(75) ESSENTIAL INFRASTRUCTURE**

- (a) In principle support is given for the provision of the Essential Infrastructure as shown on the stamped approved plans. The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum part delivery of MC01 and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.
- (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) Public Domain Plans and Civil Documentation for Essential Infrastructure 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 this Precinct as defined by the approved plans.

**(76) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS**

- (a) 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.
- (b) The cost of any adjustment to previously installed utility services to accommodate detailed design amendments from this Precinct shall be borne by the developer.

**(77) ESSENTIAL INFRASTRUCTURE SECURITY**

- (a) Security for Essential Infrastructure works is required to be lodged prior to issue of the 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 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.
- (e) A separate security shall be lodged for the works associated with the road widening works along the Minogue Crescent frontage of Precinct 1. This security amount will be retained until such time as the works are complete in conjunction with the traffic lights at the intersection with MC02

**(78) NOMINATED ENGINEERING WORKS SUPERVISOR**

Prior to issue of the first construction certificate, 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.

#### **(79) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for any building, excluding approved preparatory, excavation 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.

#### **(80) 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.

**(81) WORK METHOD STATEMENT FOR FLOOD WATERS**

The Excavation Work Method Statement prepared by Mirvac dated July 2012 and by Cardno dated 22 July 2012, under cover letter from Mirvac dated 23 July 2012 shall be complied with for the duration works on-site.

**(82) DRAINAGE SYSTEMS DESIGN**

- (a) Drainage systems that convey flood waters from upstream catchments through the site must be designed such that:
- (b) 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.
- (c) 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.
- (d) 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.

**(83) 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) Prior to a Construction Certificate 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. Stormwater pipes and connections cannot encroach into the future open space.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) 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](http://www.cityofsydney.nsw.gov.au).

- (e) 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.
- (f) 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.
- (g) 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.
- (h) All stormwater easements are to be maintained and accessible throughout the works.
- (i) 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.
- (j) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

#### **(84) 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.

#### **(85) ROAD WORKS**

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

The design and construction of the road works required to service this Precinct, 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.

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.

**(86) RAIN GARDENS**

- (a) 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 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. 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 the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. 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, 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 buildings.

#### **(87) 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 with Council's Public Domain Section and be approved by Director City Planning, Development and Transport prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition, excavation 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.

#### **(88) 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.

#### **(89) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES**

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

- (b) 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
- (c) Suitable freeboard protection shall be provided to other basement access points such as stair wells.
- (d) 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. A copy of supporting reports and calculations shall be submitted to Council prior to the issue of a Construction Certificate.

**(90) ALIGNMENT LEVELS**

**(91) 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 the City's Director City Planning, Development and Transport 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.

**(92) LANDSCAPING WORKS - THROUGH SITE LINKS / POCKET PARKS**

- (a) The Landscape Plans accompanying this Development Application have not been approved by this consent. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate. 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.
  - (vi) Details of lighting, to the satisfaction of Council.
- (b) 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).

- (c) No obstructions relating to the below ground car park or adjacent buildings such as access ways or service vents are permitted within the pocket parks. The through site links / pocket parks ramps shall not vary in grade along their length to accommodate the car park basement below. One continuous even, gentle, grade shall be provided from MC01 through to the future open space to match the approved bulk earth works levels.
- (d) 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.
- (e) Views between MC02 / MC03 and the future open space are to be maintained. Location of trees, planter boxes and heights of the landscape elements within the through site links / pocket parks are not to obstruct the view corridors.
- (f) The through site links / pocket park paths shall be free from narrow sections of path which may restrict pedestrian and cyclists movements through the spaces.
- (g) 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.
- (h) 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 80m<sup>2</sup> 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.
- (i) 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

- (j) 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.
- (k) 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.
- (l) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (m) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Precinct buildings.
- (n) 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.

Note: 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.

### **(93) LANDSCAPE PLANS - SOIL VOLUMES**

Landscape plans are to address soil depth and quality for tree planting. The City considers the following as minimum soil volume requirements for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.
- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.
- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

**(94) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
- (i) A Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
  - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted.
  - (iii) Location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
  - (v) Details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage.
  - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements.
  - (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.



The owner of the premises shall at all times comply with the on going maintenance requirements of the Maintenance Manual and shall promptly upon request produce a copy of the Manual to Council.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of a Construction Certificate, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
  - (i) A report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
  - (ii) A report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

#### **(95) TREE PLANTING AND MAINTENANCE**

- (a) New tree planting are to be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) Trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (c) Trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (d) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (e) Prior to the issue of an occupation certificate, approval from Council's Director City Planning, Development and Transport is required that tree plantings have been completed to Council's satisfaction.

#### **(96) LANDSCAPE WORKS - PRIVATE COURTYARDS**

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

The applicant shall submit a plan to the Principal Certifying Authority to indicate 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.

The communal courtyards shall be designed and constructed as high quality aesthetic environments and as functional and usable space.

Planting layout and massing for private open space shall be in accordance with the following (unless determined otherwise by Council):

<b>Material Mature</b>	<b>Height</b>	<b>Minimum Spacing Minimum</b>	<b>Pot Size</b>
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

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of a 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) 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, 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.

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

**(98) CERTIFICATION OF GEOTECHNICAL INSPECTION**

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

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

**(101) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

**(102) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

**(103) ROAD OPENING PERMIT**

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

**(105) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE****(106) BARRICADE PERMIT****SCHEDULE 1C****During Construction/Prior to Occupation/Completion****(107) SUBDIVISION WORKS**

The Subdivision Works for the subdivision approval to DA D/2011/1298 (granted by the Central Sydney Planning Committee on 26 July 2012) must be completed to the satisfaction of Council prior to the issue of any Occupation Certificate for the buildings within this precinct.

**(108) OCCUPATION CERTIFICATE TO BE SUBMITTED****(109) BASIX**

All commitments listed in BASIX Certificates 367105M\_05 and 267245M\_09 for the development must be fulfilled prior to a relevant Occupation Certificate being issued for each building.

**(110) GREEN ROOFS**

Prior to an Occupation Certificate being issued, the Principal Certifying Authority must certify that the approved green roofs have been installed in accordance with the stamped plans and conditions of consent.

**(111) ENCROACHMENTS - NEIGHBOURING PROPERTIES****(112) ENCROACHMENTS - PUBLIC WAY****(113) SURVEY****(114) SURVEY CERTIFICATE AT COMPLETION****(115) ARCHAEOLOGY****(116) ACCESS DRIVEWAYS TO BE CONSTRUCTED****(117) LOADING AND UNLOADING DURING CONSTRUCTION****(118) PROTECTION TREES DURING CONSTRUCTION****(119) NO OBSTRUCTION OF PUBLIC WAY****(120) USE OF MOBILE CRANES****(121) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS****(122) COVERING OF LOADS****(123) VEHICLE CLEANSING**

**(124) CLASSIFICATION OF WASTE****(125) ASBESTOS REMOVAL****(126) SKIPS AND BINS****(127) SIGNAGE LOCATION AND DETAILS****SCHEDULE 2**

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

Carried unanimously.

**ITEM 3 DEVELOPMENT APPLICATION: HAROLD PARK - 10 MAXWELL ROAD - 72 AND 74 ROSS STREET - 1A AND 1B THE CRESCENT - FOREST LODGE - STAGE 2 - PRECINCT 2 (D/2011/1312)**

The following persons addressed the extraordinary meeting of the Central Sydney Planning Committee - Mr John Gray, Ms Katina Comino, Ms Michele Fraser, Mr Stuart Penklis.

Moved by Mr Knowles, seconded by Mr Webster -

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) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1312 dated 22 August 2011 and Statement of Environmental Effects prepared by JBA planning, dated July 2011 and the following drawings, as amended by conditions of this consent:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-P2-01 D	SJB	August 2012
DA-P2-02 D	SJB	August 2012
DA-P2-10 D	SJB	August 2012
DA-P2-11 D	SJB	August 2012

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-P2-12 D	SJB	August 2012
DA-P2-13 D	SJB	August 2012
DA-P2-14 D	SJB	August 2012
DA-P2-15 D	SJB	August 2012
DA-P2-20 D	SJB	August 2012
DA-P2-21 D	SJB	August 2012
DA-P2-22 D	SJB	August 2012
DA-P2-23 D	SJB	August 2012
DA-P2-30 D	SJB	August 2012
DA-P2-31 D	SJB	August 2012
DA-P2-33 D	SJB	August 2012
DA-P2-40 D	SJB	August 2012
DA-P2-46 D	SJB	August 2012
DA-P2-01 D	SJB	August 2012
DA-PDP2-001 J	ASPECT	08/06/2012
DA-PDP2-002 J	ASPECT	08/06/2012
DA-PDP2-003 J	ASPECT	08/06/2012
DA-PDP2-004 J	ASPECT	08/06/2012
DA-PDP2-005 J	ASPECT	08/06/2012
DA-PDP2-006 J	ASPECT	08/06/2012
DA-PDP2-007 J	ASPECT	08/06/2012
DA-PDP2-008 J	ASPECT	08/06/2012

and as amended by the conditions of this consent:

- (b) Amendments are required to the landscape / public domain plans, in accordance with conditions of this consent.
- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 34.5 (AHD) to the roof and RL 36 (AHD) to the top of plant.
- (b) Prior to an 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.

**(3) APPROVED DESIGN ROOF - TOP PLANT****(4) COMPLIANCE WITH ANNOTATIONS ON DRAWINGS****(5) DESIGN DETAILS (MAJOR DEVELOPMENT)**

- (a) An amended sample board with the final design details of the proposed building facades including all external finishes, colours and glazing must be submitted to and approved by the City's Director City Planning, Development and Transport prior to any Construction Certificate being issued. The amended details are to reflect the requirements of consent conditions.

**(6) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) to make the top levels more recessive:
  - (i) the seam jointed metal cladding that forms the mansard roof on level 8 of the parkside elevation (east) is to be generally provided on all elevations of level 8 and for the vertical wall sections of both levels 7 and 8 on the streetside elevations (west); except:
    - a. the southern wall to bedrooms 2 and 3 of the adaptable units of Building 2A; and
    - b. the north-west corners of Buildings 2A and 2B (to balconies).
  - (ii) in relation to the parkside elevations and returns, as shown on the drawings, the pitch of the mansard roof must be no less than 10 degrees, but may be vertical elsewhere;
  - (iii) the solid awning to the level 8 balcony on the southern elevation of Building 2B is to be replaced with a lightweight metal louvre awning to allow for the architectural resolution of the metal cladding; and
- (b) the external walls to the garbage room area on levels 7 and 8 on the western elevation is to be amended to be more recessive and better integrated with the building's architecture. An alternative treatment is required and should consider a reduction in height, change in material to appear more of a roof element, louvres, or more glazing (subject to privacy considerations).

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued.

**(7) DESIGN QUALITY EXCELLENCE**

**(8) MAXIMUM GROSS FLOOR AREA**

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the business use must not exceed 53m<sup>2</sup> and for the residential use must not exceed 18,012m<sup>2</sup>; calculated in accordance with the Harold Park LEP.
- (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 the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation.

**(9) CONSTRUCTION CERTIFICATE FOR EARLY WORKS**

- (a) Notwithstanding conditions of this consent and the Stage 1 DA (D/2011/1298) consent (except for conditions 22, 24 and 25), a construction certificate may be issued for the following preparatory works:
  - (i) excavation, shoring and footings; and
  - (ii) installation of services.
- (b) The construction certificate may also allow for the construction of basement structures but only if Condition 69 (Alignment Levels) of the Stage 1 DA (D/2011/1298) has been satisfied and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition 69 is satisfied.
- (c) Any basement construction works carried out under (b) must ensure that compliance with Condition 73 (Floor Levels for Buildings and Structures) of the Stage 1 DA (D/2011/1298) will be complied with. Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.

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

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

**(11) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC**

BASIX Certificate 365537M\_11 / ABSA Certificate 55282069 accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction

certificate and the items nominated as part of the subject BASIX certificates must be specified on the plans submitted with the construction certificate application.

**(12) GREEN ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
- (i) a design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification;
  - (ii) location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
  - (iii) details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney;
  - (iv) details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage;
  - (v) details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property;
  - (vi) details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) frequency and methodology of different maintenance requirements;
  - (ii) details of safety procedures;
  - (iii) laminated copies of 'As Built' drawings;
  - (iv) manufacturer's contact details and copies of manufacturers' typical details and specification; and
  - (v) copies of warranties and guarantees relating to all materials and plant used in construction.



- (c) The owner of the premises shall at all times comply with the on going maintenance requirements of the Maintenance Manual and shall promptly upon request produce a copy of the Manual to Council.
- (d) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.
- (e) Prior to the issue of a Construction Certificate, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
  - (i) a report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
  - (ii) a report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

#### **(13) PUBLIC ART**

The Public Art Strategy prepared by Barbara Flynn, dated and signed 9 March 2012, is to be implemented as part of this development. This includes the incorporation of public art into the pocket park between Buildings 2B and 4B and within Precinct 2 itself.

- (a) Prior to the issue of a construction certificate, details of the public art to be installed are to be approved by Council's Director City Planning, Development and Transport.
- (b) The public art is to be installed to the satisfaction of Council prior to the issue of any occupation certificate.

#### **(14) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT**

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 2, are to be submitted to the satisfaction of Council prior to the issue of a construction certificate. These details are prepared with input from the applicant's heritage consultant in accordance with the recommendations of the Interpretation Strategy for the Former Harold Park Paceway site by Graham Brooks and Associates, dated July 2011.
- (b) This interpretation is to be installed to the satisfaction of Council prior to the issue of any occupation certificate for Stage 2 Precinct 2.

#### **(15) POCKET PARKS**

The proposed pram ramps/crossovers entering Arcadia Park and Toxteth Park from MC01 are not approved as part of this application. Their location and design is subject to submission of documentation to satisfy the Public Domain Plans and Essential Infrastructure conditions of this consent.

**(16) ELECTRICITY SUBSTATIONS**

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 2 and not in areas subject to easements for public access. The kiosks are to be appropriately screened to reduce their visibility from the public domain. Details are to be submitted for approval with the Public Domain Plan conditions of this consent.

**(17) LAND SUBDIVISION**

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

**(18) STRATA SUBDIVISION**

Any proposal to Strata subdivide the buildings (or parts) will require a separate application to be made to Council or an accredited Strata certifier to obtain approval of the Strata Plan and issue of the Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

**(19) BASEMENT STORAGE**

- (a) A storage area located in the basement is to be allocated to each unit and reflected on the strata plans and on title.
- (b) The storage area is to be large enough to accommodate a bicycle and is to be no smaller than a Class 1 bicycle locker.

**(20) RESTRICTION ON RESIDENTIAL DEVELOPMENT****(21) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL****(22) CAR PARKING SPACES AND DIMENSIONS**

- (a) A maximum of 165 off-street car parking spaces must be provided, inclusive of and distributed as follows:
  - (i) 156 residential spaces, including 28 accessible spaces;
  - (ii) 4 visitor spaces, including 1 accessible visitor space;
  - (iii) 1 retail space;
  - (iv) 2 service vehicle spaces;
  - (v) 2 car share spaces.
- (b) 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 a Construction Certificate for any early works being issued.

**(23) BICYCLE PARKING NUMBERS**

- (a) Bicycle parking for each unit is to be provided and in accordance with the requirements of the 'Bicycle Parking' condition of this consent. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (b) Bicycle parking for visitors is to be provided and maintained for 18 bicycles. The parking must be in accordance with the requirements of the 'Bicycle Parking' condition of this consent.

**(24) ACCESSIBLE PARKING SPACE**

- (a) The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate for any early works being issued.
- (b) The accessible car parking spaces shown on the plans do not comply with requirements and are to be redesigned to provide a bollard and hatched "shared area".

**(25) CAR SHARE SPACES**

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate for any early works being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to residents and visitors at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

**(26) TEMPORARY TURNING AREAS**

- (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 area 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.

#### **(27) PARKING PLAN**

- (a) A parking plan for Precinct 2 must be submitted to the City's Traffic Operations Unit for approval. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the area wide parking plan, required as part of the Stage 1 approval, with any changes identified with the submission.
- (b) The parking plan for Precinct 2 must be submitted as part of the Public Domain package of works for each of the streets.
- (c) The Precinct 2 signs must be approved and installed prior to the road being open for public use or prior to the issue of an occupation certificate, whichever is sooner. The plans will require a referral to the LPCTCC for endorsement.
- (d) 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.

#### **(28) TRAFFIC CALMING**

- (a) Traffic calming measures identified in the area wide traffic calming plan required under the conditions of the Stage 1 DA that are located within Precinct 2 must be installed prior to the issue of any occupation certificate for Precinct 2.
- (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.

#### **(29) 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.

**(30) WIGRAM RD / ROSS ST MEDIAN**

A median on Wigram Road restricting turns from Ross Street is to be constructed in accordance with the timing required by the Stage 1 DA consent conditions (D/2011/1298).

**(31) 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.
- (e) 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 Ross St median design, required by consent conditions.

**(32) 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) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 2 and detail the integration between Precinct 2 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 2.
- (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.

- (33) CAR WASH BAYS**
- (34) ALLOCATION FOR CAR WASH BAYS**
- (35) ALLOCATION FOR VISITOR PARKING**
- (36) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (37) BICYCLE PARKING**
- (38) INTERCOM FOR VISITORS**
- (39) LOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (40) LOCATION OF VISITOR PARKING**
- (41) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS**
- (42) SECURITY GATES**
- (43) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**
- (44) SIGNS AT EGRESS**
- (45) VEHICLES ACCESS**
- (46) VEHICLE FOOTWAY CROSSING**
- (47) ARCHAEOLOGY**
  - (a) 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.
  - (b) 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.
- (48) HOARDINGS**
  - (a) Prior to works commencing, 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.
- (49) 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](http://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](http://www.sydneywater.com.au)

#### **(50) PHYSICAL MODELS**

- (a) Within 2 months of the date of this determination, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

**(51) SUBMISSION OF ELECTRONIC MODELS**

- (a) Within 3 months of the date of this determination, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) property boundaries and the kerb lines adjacent to the site.

The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) Within the DGN *or* DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp). Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**(52) DEWATERING**

**(53) 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.

**(54) COMPLIANCE WITH SUBMITTED REPORTS**

- (a) 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:
- (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).

**(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit.
- (b) The CTMP must include the investigation into the use of the intersection between MC02 and the The Crescent / Minogue Crescent as a construction vehicle driveway. This will also need to be discussed with the RMS and the STA. If this is not possible, the CTM must document why not, along with any relevant supporting documentation.
- (c) Once a CTMP is approved, the development must be carried out in accordance with the CTMP. The CTMP is also to incorporate the requirements of the Construction Traffic Management condition of this consent.

**(56) CONSTRUCTION TRAFFIC MANAGEMENT**

- (a) The following traffic and parking conditions are to be complied with and where required relevant approvals are to be obtained as follows:
- (b) 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.
- (c) Heavy vehicle or truck is defined as a vehicle being greater than 4.5 tonnes.
- (d) All trucks must turn right out of Ross Street into Wigram Road.
- (e) All trucks must not use Wigram Road east of Ross Street or west of Minogue Crescent.
- (f) Trucks using Ross Street to enter the site from Wigram Road are limited to 2 vehicles per day.
- (g) Trucks using Ross Street to exit the site onto Wigram Road are limited to 2 vehicles per day.
- (h) All other trucks must use the access road off Nelson St / Chapman Road to enter and leave the site.
- (i) All vehicles must enter and exit the site in a forward direction.
- (j) 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.
- (k) 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.
- (l) No dog trailers to be used without City's Construction Regulation Unit approval.
- (m) The developer must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.
- (n) No queuing, parking or marshalling of vehicles is permitted on any public road.
- (o) 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.

- (p) All loading and unloading must be within the development site or at an approved "Works Zone".
- (q) 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.
- (r) 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).
- (s) 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.
- (t) Physical barriers to control pedestrian or traffic movements need to be determined by the Construction Regulations Unit prior to commencement of work.
- (u) 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.
- (v) The developer must apply to the Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (w) The developer must apply to Building Compliance Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (x) The developer must apply to the Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (y) 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.

#### **(57) 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.

**(58) 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.

**(59) NOISE – USE (GENERAL)**

**(60) 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.

**(61) COMPLIANCE WITH ACOUSTIC REPORT**

Tonin, dated 13 May 2011, reference TF200-01F08 (REV 4) PRECINCT 2 DA Report must be implemented during construction and use of the premises, including the following:

- (a) Acoustic Specifications outlined within Sections section 3.1, 3.2, 3.4, 4 and 5.

**(62) CERTIFICATION OF ACOUSTIC STANDARDS**

- (a) An acoustic verification report must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of any Occupation Certificate.
- (b) The report must be from an appropriately qualified Acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants certifying that the recommendations of the acoustic report prepared by Renzo Tonin dated 13 May 2011, referred to in the 'Compliance with Acoustic Report' condition of this consent have been incorporated into the development and that relevant noise criteria as outlined within the reports have been satisfied.
- (c) The report must also detail the extent of the mechanical services provided within the development and confirm that resultant maximum individual and combined operational noise levels from their use complies with the City of Sydney "Noise Use - General" condition which forms part of the consent.
- (d) The report should have regard to the site specific reference background and ambient noise levels stated within section 2.1 table 1 (short term) and Section 2.2 table 2 (long term) of the Noise and Management Plan, Renzo Tonin reference TF200-01F04 (REV 1) DIR NVMP.DOC 17 February 2011.
- (e) The report shall also ensure compliance with internal acoustic criteria for the Sydney Development Control Plan (Harold Park) 2011, listed within Section 1, Table 1 of the acoustic report TF200-01F08 (REV 4) PRECINCT 2.
- (f) Should the report indicate that resultant noise levels are in exceedence of this criterion then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance.

- (63) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**
- (64) MECHANICAL VENTILATION**
- (65) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (66) MICROBIAL CONTROL**
- (67) AIR HANDLING**
- (68) CONTROL OF LEGIONNAIRES DISEASE**
- (69) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**
- (70) RAINWATER HARVESTING AND RAINWATER TANKS**
- (71) WATER POLLUTION**
- (72) REFLECTIVITY**

#### **SCHEDULE 1B**

##### **Prior to Construction Certificate/Commencement of Work/Health and Building**

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

##### **(73) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.
- (d) As a consequence of an on-street domestic garbage service, the waste generated by the development must be appropriately compacted and approved compaction systems are to be incorporated in the waste management facilities in the buildings and are to be included in the Waste Management for the development.

**UPON COMPLETION OF THE DEVELOPMENT**

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

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

Prior to an approval for excavation being granted or a construction certificate being issued in association with Precinct 2, 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.

**(75) FOOTPATH DAMAGE BANK GUARANTEE**

- (a) A Footpath Damage Bank Guarantee of \$41,500 calculated on the basis of a nominated area of 100 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 Public Park 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. In this regard, if the security bonds required in accordance with Conditions 17 and 45 of

development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition.

- (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 guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.

**(76) PUBLIC PARK DAMAGE BANK GUARANTEE**

- (a) A Public Park Damage Bank Guarantee of \$18,400 calculated on the basis of a nominated area of 200 metres of park frontage, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park 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 guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (d) The bank guarantee referred to in (a) above, must be provided to Council no later than the date on which the plan of subdivision for the Public Park is lodged with Land and Property Information for the dedication of that Public Park to Council.

**(77) 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 CONSTRUCTION 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.

**(78) 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.

**(79) 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).

**(80) 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".

**(81) ESSENTIAL INFRASTRUCTURE**

- (a) In principle support is given for the provision of the Essential Infrastructure as shown on the stamped approved plans. The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum part delivery of MC01 and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.
- (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) Public Domain Plans and Civil Documentation for Essential Infrastructure 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 this Precinct as defined by the approved plans.

**(82) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS**

- (a) 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.
- (b) The cost of any adjustment to previously installed utility services to accommodate detailed design amendments from this Precinct shall be borne by the developer.

**(83) ESSENTIAL INFRASTRUCTURE SECURITY**

- (a) Security for Essential Infrastructure works is required to be lodged prior to issue of the 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 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.

**(84) NOMINATED ENGINEERING WORKS SUPERVISOR**

Prior to issue of the first construction certificate, 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.

**(85) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for any building, excluding approved preparatory, excavation 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.

**(86) 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.

**(87) WORK METHOD STATEMENT FOR FLOOD WATERS**

- (a) The Excavation Work Method Statement prepared by Mirvac dated July 2012 and by Cardno dated 22 July 2012, under cover letter from Mirvac dated 23 July 2012 shall be complied with for the duration works on-site.

**(88) DRAINAGE SYSTEMS DESIGN**

- (a) Drainage systems that convey flood waters from upstream catchments through the site must be designed such that:
- (b) 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.

- (c) 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.
- (d) 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.

#### **(89) 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) Prior to a Construction Certificate 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. Stormwater pipes and connections cannot encroach into the future open space.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) 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](http://www.cityofsydney.nsw.gov.au).
- (e) 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.
- (f) 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.

- (g) 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.
- (h) All stormwater easements are to be maintained and accessible throughout the works.
- (i) 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.
- (j) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

#### **(90) 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.

**(91) ROAD WORKS**

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

The design and construction of the road works required to service this Precinct, 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.

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.

**(92) RAIN GARDENS**

- (a) 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 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. 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. 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, 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 buildings.

**(93) 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 with Council's Public Domain Section and be approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition, excavation 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.

**(94) 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.

**(95) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES**

- (a) The level difference between any ground floor level and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of a Construction Certificate.
- (b) The following performance criteria shall apply to the design of buildings and structures on the site:
- (c) 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
- (d) Suitable freeboard protection shall be provided to other basement access points such as stair wells.
- (e) 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. A copy of supporting reports and

calculations shall be submitted to Council prior to the issue of a Construction Certificate.

**(96) ALIGNMENT LEVELS**

- (a) Prior to the first Construction Certificate being issued, footpath alignment levels for the building must be submitted and approved by Council. 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, excluding a Construction Certificate for approved preparatory, demolition, excavation or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently or before the submission of a Public Domain Plan.

**(97) 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.

**(98) LANDSCAPING WORKS - THROUGH SITE LINKS / POCKET PARKS**

- (a) The Landscape Plans accompanying this Development Application have not been approved by this consent. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate. 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) 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).
- (c) No obstructions relating to the below ground car park or adjacent buildings such as access ways or service vents are permitted within the pocket parks. The through site links / pocket parks ramps shall not vary in grade along their length to accommodate the car park basement below. One continuous even, gentle, grade shall be provided from MC01 through to the future open space to match the approved bulk earth works levels.
- (d) 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.
- (e) Views between MC02 / MC03 and the future open space are to be maintained. Location of trees, planter boxes and heights of the landscape elements within the through site links / pocket parks are not to obstruct the view corridors.
- (f) The through site links / pocket park paths shall be free from narrow sections of path which may restrict pedestrian and cyclists movements through the spaces.
- (g) 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.
- (h) 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 80m<sup>2</sup> 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.
- (i) 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

- (j) 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.
- (k) 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.
- (l) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (m) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued for the relevant Precinct buildings.
- (n) 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.
- (o) Note: 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.

#### **(99) LANDSCAPE PLANS - SOIL VOLUMES**

Landscape plans are to address soil depth and quality for tree planting. The City considers the following as minimum soil volume requirements for successful long-term tree establishment:

- (a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.
- (b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.
- (c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

**(100) TREE PLANTING AND MAINTENANCE**

- (a) New tree planting are to be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) Trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (c) Trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (d) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (e) Prior to the issue of an occupation certificate, approval is required from Council's Director City Planning, Development and Transport is required that tree plantings have been completed to Council's satisfaction.

**(101) LANDSCAPE WORKS – PRIVATE COURTYARDS**

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

The applicant shall submit a plan to the Principal Certifying Authority to indicate 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.

The communal courtyards shall be designed and constructed as high quality aesthetic environments and as functional and usable space.

Planting layout and massing for private open space shall be in accordance with the following (unless determined otherwise by Council):

<b>Material Mature</b>	<b>Height</b>	<b>Minimum Spacing Minimum</b>	<b>Pot Size</b>
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

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of a 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) 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, 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.

**(102) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

**(103) CERTIFICATION OF GEOTECHNICAL INSPECTION**

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

**(105) ANNUAL FIRE SAFETY STATEMENT FORM**

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

**(107) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

**(108) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

**(109) ROAD OPENING PERMIT**

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

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

**(112) BARRICADE PERMIT**

**SCHEDULE 1C**

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

**(113) SUBDIVISION WORKS**

The Subdivision Works for the Stage 3 subdivision approval to DA D/2011/1298 (granted by the Central Sydney Planning Committee on 26 July 2012) must be completed to the satisfaction of Council prior to the issue of any Occupation Certificate for the buildings within this precinct.

**(114) BASIX**

All commitments listed in BASIX Certificate 365537M\_11 / ABSA Certificate 55282069 for the development must be fulfilled prior to an Occupation Certificate being issued for the relevant buildings.

**(115) GREEN ROOFS**

Prior to an Occupation Certificate being issued, the Principal Certifying Authority must certify that the approved green roofs have been installed in accordance with the stamped plans and conditions of consent.

**(116) ENCROACHMENTS – NEIGHBOURING PROPERTIES****(117) ENCROACHMENTS – PUBLIC WAY****(118) SURVEY****(119) SURVEY CERTIFICATE AT COMPLETION****(120) OCCUPATION CERTIFICATE TO BE SUBMITTED****(121) ACCESS DRIVEWAYS TO BE CONSTRUCTED****(122) LOADING AND UNLOADING DURING CONSTRUCTION****(123) NO OBSTRUCTION OF PUBLIC WAY****(124) USE OF MOBILE CRANES****(125) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS****(126) COVERING OF LOADS****(127) PROTECTION OF STREET TREES DURING CONSTRUCTION****(128) VEHICLE CLEANSING****(129) STREET NUMBERING – MAJOR DEVELOPMENT****(130) SYDNEY WATER CERTIFICATE****(131) CLASSIFICATION OF WASTE****(132) ASBESTOS REMOVAL****(133) SKIPS AND BINS****(134) SIGNAGE LOCATION AND DETAILS****SCHEDULE 2**

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

Carried unanimously.

**ITEM 4 PREPARATION OF AN AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 UNDER SECTION 73A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO CORRECT A MINOR ERROR (S062501-05)**

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that the Central Sydney Planning Committee:

- (A) endorse the submission of a Section 73A Environmental Planning & Assessment Act Submission to the Department of Planning and Infrastructure for a minor amendment to clause 52A(8) of Sydney Local Environmental Plan 2005 to correct an obvious error, for the following reasons:
  - (i) The meaning of block 2 in clause 52A(8) of Sydney Local Environmental Plan 2005 erroneously omits Lot 1 DP 913005;
  - (ii) The omission of Lot 1 DP 913005 from block 2 negatively affects the favourable determination of development application D/2012/893, which, in part, seeks additional height permitted by clause 52A of Sydney Local Environmental Plan 2005 within the site bound by Alfred, Pitt, Dalley and George Streets (the 'APDG' Block);
  - (iii) The minor amendment will correct the meaning of block 2 in clause 52A(8) of Sydney Local Environmental Plan 2005, and falls within the ambit of section 73A(1)(a) of the Environmental Planning & Assessment Act 1979 as it aims to correct an obvious error consisting of a misdescription in the principal instrument; and
- (B) endorse a section 73A amendment to insert Lot 1 DP 913005 into the meaning of block 2 in clause 52A(8) of Sydney Local Environmental Plan 2005.

Carried unanimously.

The meeting concluded at 6.35pm.