

# CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 388  
Thursday 11 October 2012  
Notice Date 5 October 2012

*minutes*

*city of villages*

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### PRESENT

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

Members - The Hon Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Richard Pearson, Mr Peter Poulet, the Hon Robert Webster

At the commencement of business at 6.31pm, those present were -

The Lord Mayor, Mr Knowles, Councillor Kok, Councillor Mant, Mr Pearson, Mr Poulet, Mr Webster.

The Director City Planning, Development and Transport was also present.

**Welcome**

The Chair (the Lord Mayor) welcomed Councillor Mant and Councillor Kok as new Members of the Central Sydney Planning Committee.

**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 meeting of the Central Sydney Planning Committee.

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

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

**ITEM 2 CONFIRMATION OF MINUTES (S092508)****Minutes of the meeting of the Central Sydney Planning Committee of 16 August 2012**

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

That the minutes of the meeting of the Central Sydney Planning Committee of 16 August 2012, as circulated to Members, be confirmed.

Carried unanimously.

**Minutes of the extraordinary meeting of the Central Sydney Planning Committee of 18 September 2012**

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

That the minutes of the meeting of the extraordinary meeting of the Central Sydney Planning Committee of 18 September 2012, as circulated to Members, be confirmed.

Carried unanimously.

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

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 16 August 2012, or the minutes of the extraordinary meeting of the Central Sydney Planning Committee of 18 September 2012.

**ITEM 4 DEVELOPMENT APPLICATION: UNIT 36-36A/LOT 2 1A COULSON STREET ERSKINEVILLE (D/2011/2152)**

The following persons addressed the meeting of the Central Sydney Planning Committee:

- Councillor Linda Scott
- Mr Mike Hatton OAM - President, Friends of Erskineville
- Mr Mark Gray, Managing Director, Leighton Properties Pty Ltd

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted subject to the following:
- (1) That the Voluntary Planning Agreement, as detailed in the letter of offer submitted by the applicant, will be prepared by Council and placed on public exhibition and will be executed and submitted to Council;
  - (2) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
  - (3) The Voluntary Planning Agreement, as executed, must be registered on the title of all land;
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions (1) to (3), as indicated above, must be submitted to Council within 12 months of the date of this determination;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions (1) to (3), as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent 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/2011/2152 dated 23 December 2011 and the following drawings prepared by SJB Architects:

<b>Drawing Number</b>	<b>Drawing Name</b>	<b>Date</b>
DA-103 Rev 16	Site Plan	10 September 2012
DA-201 Rev 16	Basement Plan	10 September 2012
DA-202 Rev 16	Level 1 Plan	10 September 2012
DA-203 Rev 16	Level 2 Plan	10 September 2012
DA-204 Rev 16	Level 3 Plan	10 September 2012
DA-205 Rev 16	Level 4 Plan	10 September 2012
DA-206 Rev 16	Level 5 Plan	10 September 2012
DA-207 Rev 16	Level 6 Plan	10 September 2012
DA-208 Rev 16	Level 7 Plan	10 September 2012
DA-209 Rev 16	Level 8 Plan	10 September 2012
DA-210 Rev 16	Roof Plan	10 September 2012
DA-501 Rev 16	Elevations – Sheet 1	10 September 2012
DA-502 Rev 16	Elevations – Sheet 2	10 September 2012
DA-503 Rev 16	Elevations – Sheet 3	10 September 2012
DA-601 Rev 16	Sections – Sheet 1	10 September 2012
DA-602 Rev 16	Sections – Sheet 2	10 September 2012
	Materials and Finishes	10 September 2012

and the following drawings prepared by Lockley Land Title Solutions, Registered Surveyors:

Reference 35199SUB and numbered S1, S2, S3	Proposed Subdivision Plan	28 September 2012
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and as amended by the conditions of this consent including to the extent required by deferred commencement conditions (1), (2) and (3) in clause (A) above.

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

**(2) STAGED CONSTRUCTION**

- (a) The Stage 2 works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each stages as follows:

STAGE	DESCRIPTION	SPECIFIC CONDITIONS
1	Excavation, piling, retention	11, 34, 35, 48, 49, 50, 51, 52, 53, 59, 60, 71, 73, 74, 75, 81, 83, 84, 88, 134, 135, 136, 137, 138, 141, 142, 148.
2	Footings, lift and stair cores, and pits	
STAGE	DESCRIPTION	SPECIFIC CONDITIONS
3	Building structure	3, 5, 13, 14, 29, 37, 40, 54, 55, 56, 57, 58, 65, 66, 69, 76, 77, 78, 79, 80, 89, 90, 91, 92, 93, 132, 139, 140, 144.
4	Services, facades, finishes	72.

- (b) In addition to those conditions identified in the above table, other conditions may be required to be satisfied prior to the issue of a construction certificate at each stage of construction.
- (c) Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated at Stages 1 to 4.

### (3) DESIGN DETAILS (LOADING BAY – BUILDING C)

The design detail of the gate/s to the loading bay of building C is to be submitted to the Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate.

### (4) DESIGN MODIFICATIONS (BUILDING D)

Any stage 2 development application for building D shall incorporate the following design modifications:

- (a) Building D is to be provided with 3m ground level landscaped setbacks along the future Metters Street and Pearl Street frontages of that building in accordance with the requirements of DCP (Special Precinct No. 7 – Ashmore Precinct).
- (b) The footprint of Building D is to be reduced so that no part of that building encroaches within the existing Right of Carriageway and Easement for Services that is located adjacent to the southern common property boundary of the subject site.
- (c) Alternatively to (b) above, the building envelope maybe retained as proposed subject to:
- (i) the existing Right of Carriageway and Easement for Services being extinguished, or

- (ii) written approval has been obtained from all beneficiaries to the Right of Carriageway and Easement for Services to the effect that they have no objection to the proposed works within the Right of Carriageway and Easement for Services and that they agree to the terms of the Right of Carriageway and Easement for Services being varied to reflect the proposed development. The written approval/s is to be submitted to the Director City Planning, Development and Transport as confirmation with any stage 2 development application.

**(5) DESIGN QUALITY EXCELLENCE**

**(6) FLOOR SPACE RATIO FOR TOTAL SITE**

The following applies to the Floor Space Ratio:

- (a) Approval is NOT given to the number of dwellings/apartments for building D and building E (Stage 1 approval only).
- (b) Prior to a final Occupation Certificate being issued for the development site, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the draft Sydney LEP 2011, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Precise details of the distribution of floor space shall be provided with the future development application/s for lot 2 and lot 3.

**(7) BUILDING HEIGHT**

- (a) The height of the buildings A, B and C (lot 1) must not exceed RL 35.620 (AHD), building D (lot 2) RL 30.620 (AHD), and building E (lot 3) RL 17.620 (AHD), to the top of the building.
- (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.

**(8) FUTURE STAGE 2 BUILDINGS (BUILDINGS D AND E)**

- (a) Buildings the subject of Stage 2 DAs shall be wholly contained within the approved building envelopes.
- (b) The approved building envelopes are inclusive of balconies, bay windows, shading devices and the like and are subject to modification to comply with the Residential Flat Design Code (RFDC) and other conditions of this consent.
- (c) Encroachments and variations to the building envelopes will be assessed on merit with Stage 2 DAs.

**(9) DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION**

The future Stage 2 Development Applications must address compliance with:

- (a) Stage 1 building envelopes;
- (b) SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code (Building D only).

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

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

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

As a consequence of the stage 2 development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<b>Contribution Category</b>	<b>Amount</b>
Community Facilities	\$181,886.80
Public Domain	\$350,696.00
New Open Space	\$2,879,094.93
Accessibility	\$28,783.83
Management	\$31,121.96
<b>Total</b>	<b>\$3,471,583.52</b>

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

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

where:

C is the original contribution amount as shown above;

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

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – 14 September 2012.

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



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

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

**(12) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

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

A maximum of 197 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

**(14) PROVISION OF VISITOR CAR PARKING**

A maximum of 20 visitor car parking spaces must be provided within the on-site car parking area. Of these, two parking spaces must be allocated as disabled parking spaces. A revised basement plan showing these spaces must be submitted to and approved by the Director City Planning, Development and Transport prior to the Construction Certificate being issued.

**(15) ALLOCATION FOR VISITOR PARKING**

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

**(17) ASSOCIATED ROADWAY COSTS**

**(18) BICYCLE PARKING**

**(19) CAR WASH BAYS**

(a) A minimum of 1 car wash bay, 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.

(b) Car wash bays must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

**(20) COST OF SIGNPOSTING**

**(21) INTERCOM FOR VISITORS**

**(22) LOADING WITHIN SITE**

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

**(24) LOCATION OF ACCESSIBLE CAR PARKING SPACES****(25) LOCATION OF VISITOR PARKING****(26) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS****(27) SECURITY GATES****(28) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of 9.5m.

**(29) SERVICE VEHICLES**

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

**(30) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME****(31) SIGNS AT EGRESS****(32) TRAFFIC WORKS****(33) VEHICLE ACCESS****(34) SHARED ZONE**

- (a) The design and typical cross sections of the proposed Shared Zone for the Bridge Street extension are not approved as part of this application.
- (b) The detailed design must be submitted concurrently with the Public Domain Plan. The design must be done in consultation with the City Infrastructure and Traffic Operations Unit.
- (c) The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.
- (d) Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. These must be undertaken by the applicant at no cost to Council.
- (e) The plan must be approved in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate.

**Note:** The process of gaining a shared zone approval can take a number of months. It is recommended the applicant begin the process as soon as practical to avoid holding up the issuing of the Construction Certificate.

**Note:** RMS shared zone policy and guidelines can be found on their website.

### **(35) PARKING PLAN**

- (a) The applicant must undertake a review of the on-street parking restrictions on the developments frontages.
- (b) Two plans must be prepared, one showing the existing parking restrictions along Macdonald Street, and one showing the proposed parking restriction for all roads. Both plans must include the parking restrictions and the locations of all the parking signs and stems, and their chainages from the nearest intersection.
- (c) The plans must be submitted with the public domain plan. The plan must be approved by Council, and the concurrence of the Pedestrian Cycling and Traffic Calming Committee.
- (d) All parking signs are to be installed at no cost to Council and must be installed prior to the issuing of the Occupation Certificate.

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

### **(36) LOADING DOCK SCHEDULE/REGISTER**

The on-site medium rigid vehicle loading dock is also to be available for all residents for removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents.

### **(37) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

### **(38) GREEN TRAVEL PLAN**

A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site/use being granted.

**Note:** It is recommended that a member of the Transport and Access Unit be contacted, to discuss the Green Travel Plan with Council, prior to its submission.

**(39) DEWATERING****(40) SITE AUDIT STATEMENT****(41) NOISE - GENERAL****(42) COMPLIANCE WITH ACOUSTIC REPORT**

All recommendations contained in the acoustic report prepared by Vipac, dated 19 December 2011 and referenced 20C-11-0220-TRP-465040-3, must be implemented during construction and use of the premises to ensure that the following internal amenity criteria as stated within clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 Impact of road noise or vibration on non road development are not exceeded.

**Bedrooms** (10.00pm to 07.00am) 35dB(A) Leq, 9hr

**Living rooms**

(excluding garages, kitchens (07.00am to 10.00pm) 40dB(a) Leq, 15hr  
bathrooms and hallways)

**Note:** If noise levels of a proposed residential building exceeds the above criteria by more than 10dB (A) with the windows and doors open the ventilation system for the habitable rooms should be designed to enable residents to leave windows closed.

**(43) NOISE CONTROL VERIFICATION**

- (a) The Principal Certifying Authority (PCA) must ensure that a statement from a suitably qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants certifying that the acoustic mitigation measures identified in the Noise Impact Assessment prepared by, prepared by Vipac, dated 19 December 2011 and referenced 20C-11-0220-TRP-465040-are suitably incorporated into the development, and the noise criteria in the subject report have been met prior to the issue of an Occupation Certificate.
- (b) The report should provide details of noise levels measured in typical living and bedroom areas likely to be worst affected by external noise to show compliance with the relevant internal acoustic design criteria as stated within clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 Impact of road noise or vibration on non road development. Resultant noise levels from the operation of any externally located mechanical plant such as that associated with any ventilation system provided for the building must also be taken into account.

**(44) WASTE AND RECYCLING COLLECTION****(45) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 1 to 8) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 1998.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential use as defined in South Sydney Local Environmental Plan 1998. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.
- (g) Car parking spaces may only be used for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

#### **(46) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL**

##### **SCHEDULE 1B**

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

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

#### **(47) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**

#### **(48) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

- (49) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (50) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**
- (51) ACID SULFATE SOILS**
- (52) PHYSICAL MODELS**
- (53) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (54) FLOOR TO CEILING HEIGHTS**

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

- (55) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC**
- (56) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**
- (57) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**
- (58) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (59) CERTIFICATION OF GEOTECHNICAL INSPECTION**
- (60) GEOTECHNICAL REPORT AND CERTIFICATION**
- (61) ANNUAL FIRE SAFETY STATEMENT FORM**
- (62) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (63) INSTALLATION OF DUAL-FLUSH TOILETS**
- (64) INSTALLATION OF WATER EFFICIENT TAPS**
- (65) 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.

**(66) MECHANICAL VENTILATION**

**(67) CAR PARK VENTILATION**

**(68) WATER POLLUTION**

**(69) RE-USE OF ROOF RAINWATER**

**(70) BARRICADE PERMIT**

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$100,000 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$100,000 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;



- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
  - a. make the building safe and of an appearance acceptable to Council at ground level;
  - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

**Note:** Where a bank guarantee has been entered into under D/2011/1755 then the requirement to enter into a further bank guarantee is waived.

## **(72) PUBLIC ART**

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

A Footpath Damage Bank Guarantee calculated for a sum to be determined by the City's Public Domain Section must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

**(74) ALIGNMENT LEVELS**

**(75) PUBLIC DOMAIN PLAN**

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

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

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and must include all areas of the public domain, including roads, footways, lighting, furniture, shared spaces, parks and associated works. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

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

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

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

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

**(78) LANDSCAPING OF THE SITE**

**(79) PRESERVATION OF SURVEY MARKS****(80) STAGING PLAN**

A staging plan, clearly showing the proposed staging of the building works and the extent of public domain works to be delivered with each building, must be submitted to, and accepted by Council, prior to the issue of a Construction Certificate.

**(81) ROAD NETWORK AND GEOMETRIC ROAD DESIGN AND CONSTRUCTION**

- (a) The civil and drainage drawings prepared by AECOM accompanying this Development Application have not been approved by this consent.
- (b) Detailed design and construction documentation for the proposed public road system shall include all necessary liaisons with public utility authorities, the RTA, Council, the Sydney Traffic Committee and its nominated consultants in order to achieve design approvals and construction compliance.
- (c) The design and construction of all road infrastructure works shall be undertaken in accordance with the City's current Development Specifications for Civil Works (design and construction). Detailed plans for the works shall be prepared and submitted to Council for approval prior to issue of any Construction Certificate or approval under Section 138 of the Roads Act 1993 for the proposed road, drainage, infrastructure and open space works within the development site and on the existing public way fronting the site. The detailed plans and supporting documentation shall include as a minimum the following information;
  - (i) General subdivision plan with contour details, clearly indicating the extent of work;
  - (ii) Typical road cross sections showing road and footway widths, pavement configuration, batter slopes, retaining walls (engineered), kerb and gutter types;
  - (iii) Plan and longitudinal section showing gutter invert, kerb and boundary alignments of the existing and proposed future public road network including public utility services;
  - (iv) Drainage plan and schedule of drainage elements and any special pit requirements;
  - (v) The construction of Ecopit is not approved for this development;
  - (vi) Drainage profiles and longitudinal sections with hydraulic grade lines and other standard features;
  - (vii) Details, materials and specifications of all structures including pipes, pits, pipe bedding, concrete encasing and pipeline support structures, sub-soil drainage lines, backfilling of trenches;

- (viii) Road cross sections and longitudinal sections of the kerb returns with pedestrian ramps and kerb and gutter grading;
- (ix) Road pavement design structure, kerb and gutter, drainage works, traffic management measures, traffic and pedestrian signage, kerbside parking signage, wheel stops, and any necessary minor works and matching adjustments to the existing road network;
- (x) Details of intersections with existing roads, including a minimum 300mm road restoration of the existing road formation;
- (xi) Footpaths, pedestrian and bicycle facilities and management, street lights and street trees and other associated verge works
- (xii) Adjustments/upgrades to utility services as required;
- (xiii) Intersection layout details including line marking, pavement marking and signposting;
- (xiv) Standard engineering and structural details plan;
- (xv) Erosion and sedimentation control plans;
- (xvi) Compliance with all relevant Council requirements including, road opening permits, public liability insurance and compliance with Council' Quality Assurance for design(design certification report and check lists 1-9 from Council's Development Specification for Civil Works),Quality System requirements involving construction inspection and supervision procedures; and
- (xvii) Drainage pit lids throughout the public domain shall be heel guarded and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Drainage pit lids shall be in accordance with Council Standards.

**Note:** All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing civil Engineer.

## **(82) EASEMENTS AND COVENANTS**

An appropriate documentary drainage easement and associated restrictive or positive covenant is to be created over any relocated/proposed local drainage system within private property, registered on Title of the affected land(s) pursuant to Section 88E of the Conveyancing Act 1919. The easement and covenant are to be created appurtenant to and in a location and in terms to the satisfaction of Council.

## **(83) STORMWATER PIPE RE-ALIGNMENT**

- (a) Design and documentation of the proposed re-alignment shall be submitted for Council's approval prior to commencement of the works. This must include details of the existing pipe system and flow

component within the Right of Way past the development site (lot 2) that is being realigned;

- (b) Similarly the design and documentation including details of the existing stormwater pipe system at the intersection of Victoria Street and Bridge Street shall be submitted for Council's approval prior to commencement of the works;
- (c) The applicant shall undertake CCTV inspection and report prior to the issue of the Construction Certificate to confirm to Council if there are any latent connections that needs to be connected into the realigned system;
- (d) Any work associated with the removal of the existing drainage line through the site is not to commence until Council's acceptance of the completed realigned pipeline has been obtained;
- (e) The proposed 900 diameter stormwater in Pearl Street to be extended up to the existing Sydney Water system in Macdonald Street. In this regard the proposed easement (Z) in this section shall be clear of any building structures and to City's satisfaction;
- (f) The two new stormwater connections to the existing (1500 diameter pipe) Sydney Water asset in Macdonald Street shall be designed and constructed to their requirements and written confirmation sent to Council that Sydney Water's requirements have been satisfied with regard to the design and procedures for the construction of the connections;
- (g) Council's acceptance of completed drainage and civil works will be subject to confirmation from a Professional Civil Engineer that design complies with Council's Development Specification for Civil Works, demonstration of compliance with the approved drawings and the applicable standards and is subject to the submission of Certified "Works as Executed Drawings";
- (h) All stormwater drainage designs shall be based on recommended industry practice using minor and major systems as detailed in the Australian Rainfall and Runoffs, a guide to flood estimation by the Institution of Engineers, Australia; and
- (i) All pipe drainage systems shall be minimum of 1 in 20 year standard and the remaining runoffs up to and including the 1 in 100 year runoffs shall be conveyed safely using road carriageways or overland flow paths.

#### **(84) FLOOD PLANNING LEVELS FOR THE DEVELOPMENT**

- (a) Floor levels of the proposed buildings, entry to car parks and below ground car parks must comply with the Flood Planning Level requirements. Flood Planning Levels must be calculated based on the 100 year flood levels recommended by Cardno (2011) and the freeboards as detailed below.

- (i) Residential – 100 year flood level + 500 mm;
- (ii) Non-habitable floors such as garages (excluding underground garages) or laundry – 100 year flood level;
- (iii) Underground car parks – 100 year flood level + 500mm as a minimum or the PMF flood level whichever is the higher;
- (iv) 1% AEP level + 0.5 m (as a minimum) or a level that is determined based on a review of the PMF, whichever is the higher underground carparks.

**(85) ROAD OPENING PERMIT**

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

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

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

**(89) ELECTRICITY SUBSTATION**

An electricity substation is required to be integrated within the building. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

**(90) TELECOMMUNICATIONS PROVISIONS**

**(91) UTILITY SERVICES**

**(92) 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.

**UPON COMPLETION OF THE DEVELOPMENT**

- (d) 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.

**(93) WASTE MANAGEMENT FACILITIES**

Prior to the issue of a Construction Certificate for the development, the waste management facilities within the building are to be consistent with Council's "Policy for Waste Minimisation in New Developments 2005" and redesigned to provide for:

- (a) The residential garbage room servicing proposed Buildings A, B and C to be large enough to accommodate the waste generated by the 263 apartments and include adequate space for the separation of putrescible waste from waste suitable for recycling;
- (b) All areas traversed by skip type mobile garbage bins, including the standing areas for Council's domestic garbage truck is to be a flat, level surface;
- (c) A minimum of 8m<sup>3</sup> storage area for discarded bulky items must be provided per block of residential units;
- (d) Clearance height for access by collection vehicles must be no less than 3.8m at any point;
- (e) The maximum travel distance between the storage point and collection point for the waste and recycling receptacles up to 1,000 litres shall be no more than 10 metres;
- (f) Unimpeded access shall be provided for collection vehicles between 6:00am and 6:00pm on collection days.

**SCHEDULE 1C**

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

- (94) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (95) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (96) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (97) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (98) LOADING AND UNLOADING DURING CONSTRUCTION**
- (99) BASIX**
- (100) NO OBSTRUCTION OF PUBLIC WAY**
- (101) VEHICLE CLEANSING**
- (102) COVERING OF LOADS**
- (103) NO OBSTRUCTION OF PUBLIC WAY**

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

**(105) EROSION AND SEDIMENT CONTROL**

**(106) USE OF MOBILE CRANES**

**(107) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

**(108) HAZARDOUS AND INDUSTRIAL WASTE**

**(109) STREET NUMBERING – MAJOR DEVELOPMENT**

**(110) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

**(111) SURVEY CERTIFICATE AT COMPLETION**

**SUBDIVISION**

**(112) STAGING OF SUBDIVISION**

The subdivision of the site must be in accordance with Development Application No.2011/2152 and the staged subdivision as shown in the following drawings prepared by Lockley Land Title Solutions:

- (a) Stage 1: Plan of Proposed Subdivision of Lot 2 in DP 788543, known as 36,1A Coulson Street, Erskineville dated 28 September 2012, Job Reference 35199SUB, sheet S1 of 3 sheets,
- (b) Stage 2: Plan of Proposed Subdivision of Lot 1A in the Stage 1 subdivision dated 28 September 2012, Job Reference 35199SUB, sheet S2 of 3 sheets,
- (c) Stage 3: Plan of Proposed Subdivision of Lot 2A in the Stage 2 subdivision dated 28 September 2012, Job Reference 35199SUB, sheet S3 of 3 sheets

**The following conditions apply to the Stage 1, 2 and 3 Subdivision proposals**

**(113) SUBDIVISION CERTIFICATE**

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

**(114) LAND SUBDIVISION**

Any proposal to further subdivide the site, exclusive of the subdivision to effect road dedications, 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.

**(115) STRATA SUBDIVISION**

Any proposal to Strata subdivide the buildings 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.

**(116) SYDNEY WATER CERTIFICATE**

Prior to the issue of a Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to Council prior to a subdivision certificate being issued.

**(117) ADDITIONAL EASEMENTS AND COVENANTS**

Any Easements for Drainage, Services, Encroachments or other shared facilities or structures, Rights of Way or the like, any Restrictive or Positive Covenants required as a consequence of the subdivision are to be created pursuant to Section 88B and/or Section 88BB of the Conveyancing Act 1919 and to Council's satisfaction.

**(118) SECTION 138 APPROVAL**

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

**(119) PUBLIC UTILITY SERVICES**

- (a) Prior to the issue of the Construction Certificate for Subdivision Works evidence is to be submitted to Council (as the PCA) confirming that the requirements of the Public Utility Service Authorities have been satisfied with regard to the design of the services within the roads to be dedicated,
- (b) Prior to the issue of the Subdivision Certificate evidence is to be submitted to Council confirming that the requirements of the Public Utility Service Authorities have been satisfied with regard to the construction and installation of those services within the roads to be dedicated.

**(120) DESIGN AND CONSTRUCTION OF NEW ROADS AND ROAD WIDENING**

Detailed engineering road, drainage and infrastructure works design and construction and landscape plans for the construction of the proposed roads, lanes, pathways and road widening shown on the Plan of Proposed Subdivision of the site in 3 stages, prepared by Lockley Land Title Solutions, dated 28 September 2012 with Job Reference 35199SUB, are to be submitted to and approved by Council prior to the issue of any Construction Certificate for the proposed works.

The documentation is to include any requirements and approvals from external parties, such as public utility service authorities, and shall be in accordance with Council's Development Specifications for Civil Works Design and Construction and fully integrated with the approved Public Domain Plan for the development and is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage, infrastructure works and landscaping, prepared by a Professional Engineer and Landscape Architect and certified by an appropriately accredited certifier.

**(121) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORK**

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the Subdivision Work, being the construction of the roads to be dedicated, is to be obtained from Council or an appropriately accredited private certifier, prior to the commencement of any such work on the site.

**(122) PRINCIPAL CERTIFYING AUTHORITY FOR SUBDIVISION WORK**

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed as the Principal Certifying Authority (PCA) for the Subdivision Work and the Construction Certificate is to be forwarded to Council as the PCA.

**(123) COMPLETION OF SUBDIVISION WORK**

Prior to the issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979 for subdivision that effects the public road dedications, all Subdivision Work, being the road, drainage, infrastructure and landscaping work within the parts of the site to be dedicated as public road, is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council with regard to outstanding Subdivision Work under the provisions of Section 109J(2) of the Act.

**(124) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

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

**(125) SURVEY CERTIFICATE AT COMPLETION**

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

**The following conditions apply to the Stage 1 Subdivision proposal****(126) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a 7.215m road widening along the site frontage to Macdonald Street (shown as area "A" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (b) a road, 12.3m wide and variable width, located along the western boundary of the site between MacDonalld Street and Bridge Street (shown as area "B" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (c) a road, 13.8m wide and variable width, running easterly then southerly from proposed road "B" referred to above approximately to the prolongation of the northern boundary of a proposed right of carriageway (shown as area "C" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (d) a road, 13.8 m wide and variable width, running southerly from the southern end of proposed road "C" referred to above to the boundary of the site (shown as area "D" on the Stage 1 Plan of Proposed Subdivision accompanying the application), together with the additional footway about 1.5m wide on the western side of proposed road "C", shown as footpath on the DA drawing numbered DA-202 revision 16 dated 10 September 2012 prepared by SJB Architects accompanying the application, which can be limited in height and depth to the satisfaction of the Director of Planning, Development and Transport,
- (e) a road of variable width but about 6.465m wide, running along the northern boundary of the site from Bridge Street to the prolongation of the western boundary of proposed Lot 1A (shown as a lane, area "E" on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (f) splayed corners, nominally 2.5m x 2.5m at the intersections of:
  - (i) the southern alignment of proposed road "C" with the eastern alignment of proposed road "B",
  - (ii) the southern alignment of proposed road "C" with the western alignment of proposed road "C",
  - (iii) the eastern alignment of proposed road "B" with the northern alignment of proposed road widening "A".

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979 for the excision of those parts of the site and their dedication as public road.

### **(127) EASEMENTS**

The following specific easements are required to be included on the plan of subdivision:

- (a) A Right of Carriageway of variable width and limited in height to about 5.50m above the road surface, burdening proposed Lot 1A and benefitting the lands to the east of the development site (shown as (X) on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (b) A Right of Carriageway of variable width, burdening proposed Lot 1 and benefitting the lands to the east of the development site (shown as (Y) on the Stage 1 Plan of Proposed Subdivision accompanying the application),
- (c) An Easement for to Drain Water of variable width, burdening proposed Lot 1 and proposed Lot 1A and benefitting the lands to the east of the development site (shown as (Z) on the Stage 1 Plan of Proposed Subdivision accompanying the application).

### **The following conditions apply to the Stage 2 Subdivision proposal**

### **(128) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development of Lot 2, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a road, 6.40m wide and variable width, running along the northern boundary of the site from the end of proposed road "E", referred to in the Stage 1 plan, to the prolongation of the eastern boundary of the site (shown as a lane, area "F" on the Stage 2 Plan of Proposed Subdivision accompanying the application);
- (b) a road, of variable width, located adjacent to the southern boundary of proposed Lot 2 and running from the prolongation of the western boundary of proposed Lot 2 to the eastern boundary of the site (shown as area "H" on the Stage 2 Plan of Proposed Subdivision accompanying the application);
- (c) a laneway, 6.1m wide, running north-south along the eastern boundary of the site between proposed roads "F" and "H" referred to above (shown as area "G" on the Stage 2 Plan of Proposed Subdivision accompanying the application).

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979 for the excision of those parts of the site and their dedication as public road.

**The following conditions apply to the Stage 3 Subdivision proposal**

**(129) DEDICATION OF ROAD WIDENINGS AND ROADS**

Prior to the issue of an Occupation Certificate for the development of Lot 3A, the owner must dedicate for road purposes, free of cost to Council, the following:

- (a) a road, of variable width, located adjacent to the southern and western boundaries of proposed Lot 3A and abutting roads "C" and "H" referred to in the Stage 1 and Stage 2 Plans of Proposed (shown as area "J" on the Stage 3 Plan of Proposed Subdivision accompanying the application),

The dedications are to be on the understanding that the affected parts of the site can be used in the calculation of the floor area of the development. A separate application is to be made to Council for approval of the Plan of Subdivision and issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979 for the excision of those parts of the site and their dedication as public road.

**ROADS AND MARITIME SERVICES**

**(130)** The proposed on road shared zones shall be in accordance with the former RTA's Technical Direction 200016.

**(131)** The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

**(132)** The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**(133)** All works/regulatory signage associated with the proposed development are to be at no cost to the Roads and Maritime Services.

**RAILCORP**

**(134)** Prior to any demolition works commencing a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed demolition works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. Demolition works shall not commence until

written confirmation has been received from RailCorp confirming that this condition has been satisfied.

**(135)** All excavation and construction works are to be undertaken in accordance with the following documentation:

- (a) Geotechnical Assessment Report prepared by Jeffery and Katauskas Pty Ltd dated 8 December 2011, Ref: 25263Z2rpt;
- (b) Survey Monitoring Plan prepared by Jeffery and Katauskas Pty Ltd dated 8 December 2011, Ref: 25263Z3rpt;
- (c) DA Structural Rail Impact Assessment Design Report prepared by AECOM dated 7 December 2011, Ref: 60224296;
- (d) Early Works Erosion and Sediment Control (Demolition) Plan prepared by AECOM - Drawing No. 60224296-DRG-EW0010 Rev 4 dated 27/10/11;
- (e) Early Works Basement Earthwork Plan prepared by AECOM - Drawing No. 60224296-DRG-EW0012 Rev 4 dated 27/10/11;
- (f) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section A prepared by AECOM - Drawing No. 60224296-SKE-ST0001 Rev 1 dated 08/12/11;
- (g) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section B prepared by AECOM - Drawing No. 60224296-SKE-ST0002 Rev 1 dated 08/12/11;
- (h) Macdonald Street, Erskineville DA Structural Rail Impact Assessment Section C prepared by AECOM - Drawing No. 60224296-SKE-ST0003 Rev 1 dated 08/12/11;

Subject to the following amendments:

- (i) The Survey Monitoring Plan is to be finalised and submitted to RailCorp for final endorsement;
- (j) The track "Normal Limits" are to be reviewed by RailCorp's Principle Engineer Track;
- (k) RailCorp Standard ESC302 for defect limits must be used to establish the "Normal Limits". For the masonry arch bridges, the limits are stringent, refer to page 13 of ESC302. The trigger levels in the monitoring plan must be set well below the defect limits prescribed in ESC302;
- (l) Another set of monitoring marks to be added to the north of Row 1;
- (m) The readings of the tracks must start at the same time as other survey marks;
- (n) Vibration due to excavation operation to be monitored and kept as safe level;

- (o) Excavation works to be Supervised and monitored by the geotechnical engineer;
- (p) The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.

- (136)** Prior to the issue of a Construction Certificate the Applicant must obtain RailCorp's endorsement on the engineering and construction details for the proposed new Bridge Street which will separate the development and the rail corridor. The proposed road and protection measures for the rail corridor must meet RailCorp's requirements.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- (137)** Prior to commencement of any works, the Applicant shall provide an accurate survey to RailCorp locating the development with respect to the rail boundary, RailCorp easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

- (138)** Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project (including RailCorp's retaining wall and arch bridge) is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

- (139)** Prior to the issue of a Construction Certificate the Applicant must ensure that the recommendations provided in the Acoustic Report prepared VIPAC Engineers & Scientists Ltd dated 19/12/2011 are incorporated into the construction drawings and specifications.

The Principal Certifying Authority shall not issue a Construction Certificate until it has verified that the recommendations contained in the acoustic report have been incorporated in the construction specifications and drawings.

- (140)** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (141)** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- (142)** Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor, unless written advice has been received from RailCorp advising that this is not required. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- (143)** No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

- (144)** Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

- (145)** No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

- (146)** During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

- (147)** Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

- (148)** Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.



- (149) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

## **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 5 DEVELOPMENT APPLICATION: 38-42 PIRRAMA ROAD PYRMONT (D/2012/573)**

The following persons addressed the meeting of the Central Sydney Planning Committee:

- Mr David Boddam-Whetham
- Mr Stephen McMillan

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

It is resolved that:

- (A) the State Environmental Planning Policy No. 1 variation to clause 93(1) of Sydney Local Environmental Plan 2005 be supported; and
- (B) consent be granted to Development Application No. D/2012/573 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/2012/573 drawings prepared by Koichi Takada Architects and PTW Architects:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-C-110	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-111	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-112	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-113	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-114	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-115	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-116	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-117	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-118	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-200	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-201	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-202	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-210	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-211	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-212	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-300	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-301	PTW Architects & Koichi Tokada Architects	15/3/12

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-C-400	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-401	PTW Architects & Koichi Tokada Architects	15/3/12
DA-C-402	PTW Architects & Koichi Tokada Architects	15/3/12
DA-E-110	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-111	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-112	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-112	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-113	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-114	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-115	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-116	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-117	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-118	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-119	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-200	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-201	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-202	PTW Architects & Koichi Tokada Architects	16/3/12

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA-E-203.1	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-203.2	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-300	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-302	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-350	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-351	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-300	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-302	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-350	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-351	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-400	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-401	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-402	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-600	PTW Architects & Koichi Tokada Architects	16/3/12
DA-E-700	PTW Architects & Koichi Tokada Architects	16/3/12

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) AFFORDABLE HOUSING CONTRIBUTION - ULTIMO PYRMONT - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION**

The Affordable Housing Contribution is as follows:

- (a) Prior to a Construction Certificate being issued and pursuant to Sydney LEP 2005 and the adopted City West Affordable Housing Program, the applicant must pay a monetary contribution towards the provision of affordable housing. The contribution is \$312,050.61. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.
- (b) To make payment you must first contact Council's Planning Assessment Unit email: [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) who will index the amount, then provide you with written confirmation of the amount payable and details of how to make the payment at the Department of Planning & Infrastructure.
- (c) Payment can be made either by bank cheque to the value of the required contribution (made in favour of City West Housing Pty Ltd) or alternatively a satisfactory bank guarantee is to be provided to the value of the required contribution. Evidence of payment or lodgment of a bank guarantee must be provided to the certifying authority prior to issue of a construction certificate.
- (d) Prior to issue of an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to the certifying authority that the bank guarantee referred to in (c) above has been redeemed as payment of the contribution.

**Note:** All affordable housing contribution payments (and lodgment of bank guarantees) for Ultimo-Pyrmont are paid at the Department of Planning & Infrastructure.

**(3) SECTION 94 CONTRIBUTION - ULTIMO PYRMONT**

A contribution under section 94 of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

**Cash Contribution Required**

- (a) In accordance with the adopted "Ultimo Pyrmont Contributions Plan 1994" a cash contribution must be paid to Council for the amount specified below.

**Amount of Contribution**

- (b) The amount of the contribution is \$203,776.00

Note: The contribution will be indexed annually, see paragraph (f) below.

**Purposes for which Contribution Required**

- (c) The contribution is required, and must be held and applied in accordance with the Act and the Ultimo Pymont Contributions Plan 1994, for the purposes, and in the proportions, set out as follows:
- (i) Open Space - 64%
  - (ii) Community Facilities - 9.5%
  - (iii) Roads and Associated Infrastructure - 26.2%
  - (iv) Administration - 0.3%

**Certification of Contribution**

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the "Ultimo Pymont Contributions Plan 1994" (if applicable) must be submitted to and approved by Council, prior to a Construction Certificate being issued

If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

**Timing of Payment**

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

**Indexing**

- (f) The contribution rate in "Ultimo Pymont Section 94 Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

**(4) DESIGN MODIFICATIONS**

The design of the proposal must be modified as follows:

- (a) Details of the proposed gates to the through site link between Buildings C and E are to be submitted;
- (b) A standard blind system and details of the external operable louvres to the exterior façade of Building E are to be provided; and
- (c) A total of twenty-four bicycle storage spaces are to be provided.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

## **(5) DESIGN MODIFICATIONS - HERITAGE**

The design of the two buildings and the site must be modified as follows:

- (a) REVY C building
  - (i) The proposed building over of the remaining Tank 2 in Apartment G.1 is to be deleted and the tank is to remain permanently visible.
  - (ii) The mezzanine in Apartment G.1 should be reconfigured to avoid the removal of the 2 tonne gantry. This is possible in two ways – reverse the plan of the apartment so that the mezzanine is on the eastern side, or truncate the western mezzanine at the rail and connect the mezzanine via a bridge on the eastern side. Any interconnection required between major areas of the mezzanine should be clearly interpreted as bridges.
  - (iii) The proposed eastern balconies, Level 1 to Level 7, between grids A and C and between grids N and P are to be deleted and replaced by ‘Juliette’ style balconies confined to each opening, and of a maximum width of two metres and a maximum projection of 620mm.
- (b) REVY E building
  - (i) The proposed terracotta cladding to the courtyard enclosures, carpark entrance walls and retaining walls is to be deleted and replaced by materials that interpret the historic maritime character of Darling Island. For instance, the courtyard enclosures could be recycled hardwood sections, concrete cast with interpretive sculptured relief, or ‘yellowblock’ sandstone.
  - (ii) To maintain visual connections for pedestrians, between Darling Island Road and Jones Bay and between the quay walk and REVY A, the courtyards in the northwest corner of the site are to be reduced in footprint to achieve a minimum clearance between the enclosure of the courtyards and the structural supports of the Water Taxi shelter of five metres. Additionally, the northwest corner of the courtyard of Apartment 001 that is currently proposed as being 90 degrees should be rounded to further retain views, echoing the forms of proposed deck to Apartment 001 and of the building above.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

**(6) DESIGN DETAILS**

The following design details of the proposed building must be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

(a) REVY C BUILDING:

- (i) Details of required adjustments to the external fire stairs including to the balustrades, and for any required structural strengthening;
- (ii) Details of required adjustments to the central internal stair including to the balustrades and to the edge of treads;
- (iii) Proposed modifications to existing, new or modified openings at 1:5 scale;
- (iv) Proposed balconies at 1:10 scale including structural support and balustrade detailed;
- (v) Detailed resolution of adaptation of existing lift towers and other elements visible at parapet and roof levels;
- (vi) Ground and mezzanine levels: detailed resolution of removal or alterations of original fabric and industrial features; and
- (vii) Details of the security fence around the external crane.

**(7) CONSERVATION WORKS**

A Schedule of Conservation works is to be submitted to and approved by Council's Heritage Specialist prior to a Construction Certificate being issued. The Schedule should include works to the following:

- (a) Window joinery including general repairs and including the reconstruction of windows to match the original where the condition of the existing is such that replacement is necessary;
- (b) Roof joinery;
- (c) Roof plumbing;
- (d) Brickwork including removal of intrusive pointing and replacement in a mix to match the original, replacement of defective units, reinstatement of terracotta vents;
- (e) Bluestone walling;
- (f) Stone corbels;



- (g) Industrial components including but not limited to the following: the wall crane, the external fire escape stairs, the gantry rails, the water tanks, truck tracks;
- (h) Reconstruction of the bracketed eaves to the lift shafts;
- (i) The Conservation Works Schedule is to include detailed drawings and outline specifications of works and methodologies required to support any schedule of conservation works; and
- (j) The Conservation Works Schedule must be implemented to the satisfaction of the Director City Planning, Development and Transport prior to the issue of the Occupation Certificate.

**(8) HERITAGE MAINTENANCE PLAN - REVY C**

- (a) A Heritage Maintenance Plan must be prepared for the REVY C building, and submitted to Council for approval prior to the issue of an Occupation Certificate. The plan should follow NSW Heritage Office guidelines and must be a practical guide for future owners and tenants to ensure the long term conservation of significant fabric; and
- (b) The Plan must include the recommendations and policies for conservation management of the REVY C building, outline Specification notes, references to NSW Heritage Office publications on maintenance, conservation and repairs to heritage fabric, and the Cyclic Maintenance Schedule.

**(9) HOURS OF OPENING – THROUGH SITE LINK**

The proposed through site link between Buildings A and E must be open during daylight hours at all times of the year. The link must be closed between sunset and sunrise at all times of the year.

**(10) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

**(11) COMMEMORATIVE PLAQUE**

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building REVY E prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

**(12) DISPOSAL OF SURPLUS SALVAGED MATERIALS**

Salvaged traditional building materials surplus to the requirements of this project including stone, bricks, structural steel, and joinery are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

**(13) EXTERNAL COLOUR SCHEME (OTHER BUILDINGS)**

The external colour scheme of REVY C is to be sympathetic to the architectural style and period of the building. A schedule of colours is to be

submitted to and approved by the Director City Planning, Development and Transport prior to the issue of the Construction Certificate.

**(14) DESIGN DETAILS (MAJOR DEVELOPMENT)**

The design details of the proposed Building E facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Koichi Takada Architects submitted 20 April 2012. Final details of all external materials and finishes of the building are to be submitted to and approved by the Director City Planning, Development and Transport prior to issue of an Occupation Certificate.

**(15) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item;
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric;
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works;
- (d) The new windows and doors must use timber joinery;
- (e) The face brickwork/sandstone must not be rendered, painted or coated; and
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**(16) HERITAGE MAINTENANCE PLAN - REVY C**

- (a) A Heritage Maintenance Plan must be prepared for the REVY C building, and submitted to Council for approval prior to the issue of an Occupation Certificate. The plan should follow NSW Heritage Office guidelines and must be a practical guide for future owners and tenants to ensure the long term conservation of significant fabric; and
- (b) The Plan must include the recommendations and policies for conservation management of the REVY C building, outline Specification notes, references to NSW Heritage Office publications on maintenance, conservation and repairs to heritage fabric, and the Cyclic Maintenance Schedule.

**(17) HERITAGE INTERPRETATION STRATEGY**

- (a) An interpretation strategy for the site must be submitted to and approved by Council's Heritage Specialist prior to a Construction Certificate being issued;
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make

recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used; and

- (c) Prior to occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council's Heritage Specialist.

**(18) HISTORIC MARKER**

A brass plaque relating to the history of the site must be permanently affixed to the façade and must be installed on the facade of the building REVY C prior to occupation. The design, location and wording must be submitted for the approval of Council prior to an Occupation Certificate being issued.

**(19) MATERIALS FOR MAKING GOOD**

New materials for making good, are to match the original materials in terms of colours, finishes, sizes, profile and materials.

**(20) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

Prior to a Construction Certificate being issued, an archival photographic recording of the entire REVY site and the interiors of REVY C building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives. This copy to be lodged with Council is in addition to that required by the Heritage Office of NSW under the terms of the Conditions of Consent in Schedule 3.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (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 licence 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.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

## **(21) USE OF CONSERVATION ARCHITECT**

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence and details of the above commission on the above terms are to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

## **(22) DESIGN QUALITY EXCELLENCE**

## **(23) SIGNS - SEPARATE DA REQUIRED**

## **(24) ASSOCIATED ROADWAY COSTS**

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

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

## **(26) PUBLIC DOMAIN PLAN**

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

The vehicle drop off area in front of Building C is not approved by this consent.

Three copies of a detailed Public Domain Plan and Foreshore Promenade Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by the Director of City Planning, Development and Transport prior to a Construction Certificate being issued for any new building work (including

internal refurbishments) excluding approved preparatory, demolition or shoring work.

The plans must be prepared in accordance with the City of Sydney's Public Domain Manual, the Urban Development Plan for Ultimo Pymont (UDP 1999 Update), the Ultimo Pymont Public Domain Strategy, and the Ultimo Pymont Public Domain Technical Manual.

If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

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

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

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **(27) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

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

## **(28) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT**

The 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).

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.

**(29) 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".

**(30) PROTECTION OF STONE KERBS**

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

**(31) FLOOD COMPATIBLE MATERIALS**

The entry level and floor level of Building C are below the Flood Planning Level (FPL) of 2.9 m AHD. Flood compatible materials shall be used for any structures, fittings and floor coverings below the FPL and all electrical fittings shall be set above the FPL.

**(32) REFLECTIVITY**

**(33) ALLOCATION FOR VISITOR PARKING**

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

**(35) ASSOCIATED ROADWAY COSTS**

- (36) BICYCLE PARKING**
- (37) CAR PARKING SPACES AND DIMENSIONS**
- (38) COST OF SIGNPOSTING**
- (39) INTERCOM FOR VISITORS**
- (40) LOCATION OF ACCESSIBLE CAR PARKING SPACES**
- (41) LOCATION OF VISITOR PARKING**
- (42) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS**
- (43) SECURITY GATES**
- (44) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**
- (45) SIGNS AT EGRESS**
- (46) STACKED PARKING EMPLOYEES OR TENANTS ONLY**
- (47) TRAFFIC WORKS**
- (48) VEHICLE FOOTWAY CROSSING**
- (49) VEHICLE ACCESS**

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

**(50) ACCESSIBLE PARKING SPACE**

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

Note: The spaces currently shown on basement level 1 do not comply with this standard and must be amended to do so.

**(51) DROP OFF BAY**

The proposed drop off bay located on Darling Island Road outside Building C is not approved as part of this consent.

The proposal requires a separate application to be made to the City Infrastructure and Traffic Operations Unit for approval. The changes to the kerb alignment and parking restrictions require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for their endorsement.

The application must be made prior to the Public Domain Plans being submitted and must be fully installed prior to the Occupation Certificate being granted.

**(52) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

**(53) NOISE - USE**

**(54) GARBAGE ROOMS**

**(55) VEHICLE FOOTWAY CROSSING**

**(56) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2005.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in Sydney Local Environmental Plan 2005. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.
- (g) Car parking spaces may only be used for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

**(57) RESTRICTION ON USE OF CAR SPACES**

The 55 commercial car spaces relocated from the at-grade parking area to the basement are to be retained as such and shall not be used as residential parking spaces.



The remaining 104 parking spaces, comprising 86 residential parking spaces for the residential flats, 8 accessible spaces and 10 visitor parking spaces are to be proportionately allocated between Buildings C and E.

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building;
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council;
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme; and
- (d) No part of any common areas, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

**(58) PUBLIC ART**

Details of the proposed art sculpture within the through site link must be submitted to and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

**(59) SURRENDER OF EXISTING CONSENT**

The existing development consent D/2008/597 shall be surrendered in writing and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

**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.

**(60) LANDSCAPING OF THE SITE**

- (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. 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);
- The minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf and grasses, over and above all drainage materials. Reduced planter depth may be acceptable pending approval by Council;
- (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage and watering systems. All planting on slab shall be connected to the site storm water system.
- (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.

**(61) FLOOD PLANNING LEVEL**

The Flood Planning Level (FPL) for the site including NSW Sea Level Rise requirements is 2.9m AHD. All entries into Building E shall comply with the Flood Planning Level of 2.9m AHD. Amended plans complying with this requirement are to be submitted to Council prior to the issue of the Construction Certificate.

**(62) BOUNDARY WALL**

The applicant shall demonstrate that the proposed boundary wall around Building E is suitable to withstand the force of floodwaters, including debris and buoyancy forces as appropriate. A detailed report and certification from

an appropriate consulting structural engineer is required to be submitted to Council prior to issue of the Construction Certificate.

**(63) PUBLICLY ACCESSIBLE AREAS – LIGHTING**

The lighting of all areas which are publicly accessible must comply with AS/NZS1158 and shall include but not be limited to:

- (a) Lighting of the through site link to comply with AS1158.3.1 Category P2;
- (b) Lighting of the foreshore promenade including areas with public access easements over to comply with AS1158.3.1 Category P2;
- (c) Lighting of footpaths along roads, adjacent car parks to comply with AS1158.3.1 Category P2; and
- (d) Lighting of traffic roads and car parks to comply with AS1158.1.1 Category V3.

The Lighting is to be designed in accordance with the City of Sydney's policies including the 'Public Domain Manual' 'Park Technical Manual' and the 'Sydney Lights Design Code' an updates. Details are to be submitted to and approved by Council prior to construction certificate.

**(64) LANDSCAPING WORKS – THROUGH SITE LINK**

The Landscape Plans of the Through Site Link accompanying this Development Application have not been approved by this consent.

Views between Darling Island Road and the Foreshore are to be maintained. Location of artwork, trees, planter boxes and heights of the landscape elements within the through site link are not to obstruct this view corridor.

The through site link shall be designed and constructed as high quality aesthetic environments and as functional and usable space which provides access for pedestrians and cyclists.

No obstructions relating to the below ground car park or adjacent buildings such as access ways or service vents are permitted in the through site link. The through site link shall not vary in grade along its length to accommodate the car park basement below. The through site link paths shall be free from narrow sections of path which may restrict pedestrian and cyclists movements through the spaces.

The through site link shall provide continuous accessible paths of travel 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 minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf and grasses, over and above all drainage materials. Reduced planter depth may be acceptable pending approval of the planter bed width, depth, irrigation and species selection by Council.

A detailed Landscape Plan demonstrating compliance with the above, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued.

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.

#### **(65) ADVANCED TREE PLANTING**

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the occupancy certificate;

- (a) The trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
- (b) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of one (1) metres.
- (c) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (d) The replacement planting/s 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.
- (e) 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.
- (f) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

#### **(66) STREET TREE PROTECTION**

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

- (a) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include;
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage;
  - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm

intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and

- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) Around or under the tree canopy; or
  - (ii) Within two (2) metres of the trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.

Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

#### **(67) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

#### **(68) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the adjacent buildings are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

#### **UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifying Authority and the Council prior to the issue of an Occupation Certificate.

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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$2,364,675 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$2,364,675; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - a. make the building safe and of an appearance acceptable to Council at ground level;

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

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and
  - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (i) Certification (from an accredited certifier) that the relevant stage is complete;
  - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

- (70) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**
- (71) ROAD OPENING PERMIT**
- (72) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**
- (73) ALIGNMENT LEVELS**
- (74) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**
- (75) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (76) BARRICADE PERMIT**
- (77) FOOTPATH DAMAGE BANK GUARANTEE**

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

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

- (78) LOT CONSOLIDATION**
- (79) ELECTRICITY SUBSTATION**
- (80) TELECOMMUNICATIONS PROVISIONS**
- (81) UTILITY SERVICES**
- (82) 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.

#### UPON COMPLETION OF THE DEVELOPMENT

- (d) 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.

As a consequence of Council providing an on-street waste collection service:

- (a) the two residential garbage rooms in Building E are to include garbage compaction systems, and
- (b) a receptacle holding area is to be provided at street level, near the alignment of Darling Street, for waste collection purposes.

#### **(83) 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.

#### **(84) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

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

Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings)

must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

**(86) STRUCTURAL CERTIFICATION FOR EXISTING HERITAGE FACADE**

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing heritage façade can integrate and adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

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

**(87) CERTIFICATION OF GEOTECHNICAL INSPECTION**

Prior to the issue of a Construction Certificate, a Geotechnical Inspection Certificate in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Council.

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

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

- (i) Structural provisions - Part B1;
- (ii) Fire resistance and stability - Part C1;
- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;
- (viii) Fire fighting equipment - Part E1;

A fire control centre facility must be provided in accordance with Specification E1.8 for a building with an effective height of more than 25m

- (ix) Smoke hazard management - Part E2;

(ix) Lift installation - Part E3;

At least one emergency lift is to be provide in the building which has an effective height of more than 25m.

(x) Emergency lighting, exit signs and warning systems - Part E4;

(xi) Damp and weatherproofing - Part F1;

(xii) Sanitary and other facilities - Part F2;

A closet pan and washbasin in a compartment or room at or near ground level and accessible to employees without entering a sole occupancy unit must be provided in accordance with Table F2.1 of the BCA

(xiii) Room sizes - Part F3;

(xiv) Light and ventilation - Part F4;

(xvi) Sound transmission and insulation - Part F5;

(xvii) Energy Efficiency - Building fabric - Part J1;

(xvii) Energy Efficiency - External glazing - Part J2;

(xviii) Energy Efficiency - Building sealing - Part J3;

(xix) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;

(xx) Energy Efficiency - Artificial lighting and power - Part J6;

(xxi) Energy Efficiency - Access for maintenance - Part J8;

(b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

(c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

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

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

A copy of the required completed BASIX certificate 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 certificate must be specified on the plans submitted with the construction certificate application.

**(90) LAND CONTAMINATION**

- (a) Any intrusive earthworks must be carried out in accordance with Remedial Action Plan and Acid Sulfate Soil Management Plan, prepared by Environmental Investigation Services (Ref: E25561KPrpt), August 2012.
- (b) All hazardous materials must be removed must be removed from the site by a qualified person and the removal of these materials must be documented in a report from a qualified environmental professional that confirms that no contamination of the site occurred during their removal and the fate of those materials.
- (c) The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Department of Environment and Conservation's (DEC) Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes.
- (d) Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority
- (e) Any variations to the proposed remediation Action Plan shall be approved in writing by the NSW EPA Accredited Site Auditor and Council prior to the commencement of such work.

**(91) SITE AUDIT STATEMENT**

Prior to the commencement of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

**Note:** Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

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

A site specific noise management plan shall be submitted to the Council for comment and approval prior to CC. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**(93) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE MANAGEMENT PLAN**

**(94) 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.

**(95) ASBESTOS REMOVAL**

**(96) CLASSIFICATION OF WASTE**

**(97) DISPOSAL OF ASBESTOS**

**(98) ASBESTOS REMOVAL SIGNAGE**

**(99) SIGNAGE LOCATION AND DETAILS**

**(100) SKIPS AND BINS**

**(101) MECHANICAL VENTILATION**

- (a) The premises and each occupancy must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 & AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 & AS1668.2-2002, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

**(102) COMPLIANCE WITH ACOUSTIC REPORT**

- (a) All recommendations contained in Section 6 of the acoustic report prepared by Wilkinson Murray (Ref: 11138), dated February 2011, must be implemented during construction of the premises. This includes the minimum sound insulation ratings of walls and floors.
- (b) The Principal Certifying Authority (PCA) shall obtain a statement from 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 Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of an Occupation Certificate.

**(103) MICROBIAL CONTROL**

- (a) The Public Health Act 2010, Public Health Regulation 2012, and NSW Health Code of Practice for the Control of Legionnaires Disease include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:2011, (or AS 3666.3:2011 subject to prior notification to Council), The Public Health Act 2010 and the Public Health Regulation 2012
- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems and warm water systems installed on the premises in accordance with Clause 31 to the Public Health Regulation 2012.

**SCHEDULE 1C**

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

- (104) ENCROACHMENTS – NEIGHBOURING PROPERTIES**
- (105) ENCROACHMENTS – PUBLIC WAY**
- (106) SURVEY**
- (107) SURVEY CERTIFICATE AT COMPLETION**
- (108) COVERING OF LOADS**
- (109) EROSION AND SEDIMENT CONTROL**
- (110) HAZARDOUS AND INDUSTRIAL WASTE**
- (111) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (112) VEHICLE CLEANSING**
- (113) STREET NUMBERING – MAJOR DEVELOPMENT**
- (114) SYDNEY WATER CERTIFICATE**
- (115) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (116) LOADING AND UNLOADING DURING CONSTRUCTION**
- (117) NO OBSTRUCTION OF PUBLIC WAY**
- (118) USE OF MOBILE CRANES**



**(119) RIGHT OF PUBLIC ACCESS**

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access is to be created and registered on the Title of the site. The Easement is to be defined over strips of land, a minimum of 3 metres wide and shown on the plans accompanying the application as "Public Walkway" and located between Buildings C and E and Jones Bay, and is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction; and
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

**(120) LAND SUBDIVISION**

Any proposal to subdivide the site 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.

**(121) STRATA SUBDIVISION**

Strata subdivision requires development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the strata plan and issue of the Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

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

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

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

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

**(124) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**(125) ACCESS DRIVEWAYS TO BE CONSTRUCTED****(126) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

**(127) NO OBSTRUCTION OF PUBLIC WAY****(128) USE OF MOBILE CRANES****(129) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION**

The operation of high noise intrusive plant and machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of 8am to 12pm and 1pm to 5pm.

**(130) NOISE CONTROL VERIFICATION**

An acoustic verification report must be submitted to the Principal Certifying Authority (PCA) prior to Occupation Certificate from an accredited acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants outlining all central services mechanical plant and equipment installed within the development.

The report must also confirm that resultant operational noise levels from the mechanical plant and equipment is in compliance with the noise criteria stated within the *Noise - General* condition which forms part of the consent,

and Section 5 of the acoustic report prepared by Wilkinson Murray (Ref: 11138), dated February 2011, when operating to maximum capacity at the most noise sensitive time of the day.

The report is also to include a Compliance Certificate from a qualified, practicing acoustic engineer which must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the acoustic amenity requirements of Part 6.1 of the City of Sydney Central Sydney DCP 1996.

### **(131) ENVIRONMENTAL MANAGEMENT PLAN**

#### **SCHEDULE 2**

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

Clause 98	Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i>
Clause 98A	Erection of signs
Clause 98B	Notification of <i>Home Building Act 1989</i> requirements
Clause 98C	Conditions relating to entertainment venues
Clause 98D	Conditions relating to maximum capacity signage
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>.

#### **SCHEDULE 3**

##### **Terms of Approval- Heritage Council**

The Terms of Approval for Integrated Development as advised by NSW Heritage Council are as follows:

1. All work shall be carried out in accordance with the following documentation:
  - (a) DA-002; DA-C-100-118; DA-C-200-202; DA-C-210-212; DA-C-300-301; DA-C-400-402; DA-E-110-113 Revision 1; DA-E-114-119 Revision 5; DA-E-200-203, 203.1, 203.2 Revision 5; DAE-300-302 Revision 3; DA-E-350-351 Revision 4 dated February 2012, prepared by PTW Architects;
  - (b) LP-DA-01-07 dated March 2012, prepared by 360°;
  - (c) Heritage Impact Statement dated 15 March 2012, prepared by Design 5.

**EXCEPT AS AMENDED by the conditions of this consent.**

2. The eastern section of the east-west running gantry in proposed Apartment G1 is to be retained in-situ.
3. The water tank cover located in Bay B-C is to be adequately protected and incorporated into any floor treatment.
4. The proposed new balconies in Bays A-C and N-P of the eastern elevation are to be made smaller with each new opening having its own Juliette balcony.
5. Juliette balconies in the former goods bays are to be 2000mm wide.

**Further Information to be submitted with the S60 application:**

6. Details of bollards to west of REVY C.
7. Details of the proposed jib crane collar including location of fixing.
8. Details of proposed window upgrades.
9. Details of the proposed roller doors and fencing on ground floor.
10. Details of all balcony balustrade/railings designs.
11. Amended plans reflecting compliance with Conditions 2-5.
12. Archaeological management plan that identifies procedures to be followed if any relics are located and how its contents will be made available to workers on the site.

**Nominated Heritage Consultant:**

13. All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and the conditions of this consent.
14. All work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant in Condition 13 shall be consulted prior to the selection of appropriate tradesmen.

**Site Protection & Works:**

15. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
16. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

17. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage is to be informed in accordance with the National Parks and Wildlife Act, 1974 (as amended). Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

**Archival Recording:**

18. An archival photographic recording of the interior of the building and affected external aspects is undertaken prior to the commencement of works, in accordance with the Heritage Council document, Photographic Recording of Heritage Items using Film or Digital Capture. The original copy of the archival record shall be deposited with the Heritage Branch, an additional copy shall be provided to the City of Sydney.

**Compliance:**

19. Following the determination of the development application by the City of Sydney, an application under Section 60 of the NSW Heritage Act 1977 must be submitted to and approved by the NSW Heritage Council prior to works commencing.

**Terms of Approval - Office of Water**

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

**Plans, standards and guidelines**

- 1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to *DN20121573/D* and provided by Council:

(I) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GIA will be required.

- 2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- 3 The consent holder must prepare or commission the preparation of:
  - (i) Soil and Water Management Plan
- 4 N/A

- 5 The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
- 6 N/A
- 7 The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

#### **Reporting requirements**

- 8 The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- 9-13 N/A
- 14 The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

#### **Drainage and Stormwater**

- 15-16 N/A
- 17 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- 18 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

19-27N/A

Carried unanimously.

Note - The Chair (the Lord Mayor) commended all parties involved on the good outcome of this development application.

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

Moved by Mr Knowles, seconded by Mr Webster -

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

Carried unanimously.

**ITEM 7 511-515 BOTANY ROAD ZETLAND - HATBANDS SITE - ESSENTIAL TERMS FOR DRAFT VOLUNTARY PLANNING AGREEMENT AND UNDEFERRAL (S092797)**

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that the Central Sydney Planning Committee:

- (A) note that the report to the Planning and Development Committee on 8 October 2012 recommends that authority be delegated to the Chief Executive Officer to prepare and publicly exhibit a draft voluntary Planning Agreement, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, that will require the landowner to deliver the following public benefits:
- (i) the dedication to Council of 27 square metres of land for the widening of the Botany Road footpath and the subsequent construction of the new footpath;
  - (ii) the dedication to Council of 189 square metres in stratum to extend Emanuel Lane and the subsequent provision of works-in-kind for the construction of a pedestrian path and cycleway;
  - (iii) the dedication to Council of 1,965 square metres of land in stratum for the purpose of public roads, being Hinchcliffe and Sonny Leonard Streets, and the subsequent provision of works-in-kind for their construction;
  - (iv) the construction of a four metre wide publicly accessible through-site link to connect the subject site to the north;
  - (v) the payment to Council of a cash contribution for 'essential infrastructure' in accordance with the 'Development Rights Scheme' in the Green Square Town Centre Infrastructure Strategy (2006), less the cost of any works-in-kind delivered for public domain; and
  - (vi) the design and construction of any proposed building to be capable of being connected to the following Green Infrastructure that is to be provided by Council to the boundary of the site:
    - (a) trigeneration system;
    - (b) non-potable recycled water system; and
    - (c) automated waste collection system;
- (B) note that the report to the Planning and Development Committee on 8 October 2012 recommends that following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to the draft voluntary Planning Agreement to finalise matters raised during public exhibition and execute the voluntary Planning Agreement, subject to the voluntary Planning Agreement remaining consistent with the terms detailed in clause (A) above;
- (C) note that the report to the Planning and Development Committee on 8 October 2012 recommends that authority be delegated to the Chief Executive Officer to negotiate with the landowner and prepare a draft Green Infrastructure Deed that includes:

- (i) provisions to allow Council and the land owner to ensure that there is adequate notice provided to each party with regard to the delivery of the Green Infrastructure. The provisions are to allow for the consideration of contingencies with regard to the design of the buildings in the event that the Green Infrastructure cannot be delivered within specified time periods;
  - (ii) warranties from Council that in the event that the Green Infrastructure cannot be delivered within the specified time periods, then Council will agree to the following:
    - (a) the provision by Council of back-up equipment to provide hot water until such time that the main tri-generation system is implemented;
    - (b) the collection of waste from the development by Council in accordance with its current waste collection practices until such time that the main automated waste system is implemented; and
    - (c) the use of the town water (potable) supply for the development on the site until such time that the non-potable recycled water network is implemented by Council;
- (D) note that the report to the Planning and Development Committee on 8 October 2012 recommends that, following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to and execute the draft Green Infrastructure Deed, subject to the terms of the Green Infrastructure Deed being consistent with the terms detailed in clause (C) above; and
- (E) approve the un-deferral of land at 511-515 Botany Road, Zetland from the local environmental plan made to give effect to Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clause (A) above; and
- (F) note that the report to the Planning and Development Committee on 8 October 2012 recommends that Council request the Minister for Planning and Infrastructure un-defer land at 511-515 Botany Road, Zetland in accordance with Section 59 of the Environmental Planning and Assessment Act, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clause (A) above.

Carried unanimously.



**ITEM 8 PLANNING PROPOSAL - 87 BAY STREET GLEBE (S091122)**

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: 87 Bay Street, Glebe, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination subject to the following amendment;
  - (i) The non-residential component of the permissible FSR to be within the range 0.75:1 to 1.5:1;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: 87 Bay Street, Glebe, as amended in (A) (i), for public authority consultation and public exhibition;
- (C) the Central Sydney Planning Committee notes that, as this Planning Proposal is brought before it so soon after endorsing the Sydney Local Environmental Plan 2012, it is concerned that an extended public consultation period be provided, including a public meeting, to allow appropriate public input, and to aid their understanding of this Proposal. Therefore, the Central Sydney Planning Committee requests that the Gateway Panel consider an extended exhibition period of at least 60 days;
- (D) the Central Sydney Planning Committee note that Council will be considering a recommendation at its meeting on Monday 15 October 2012 to delegate authority to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway determination;
- (E) the Central Sydney Planning Committee note that Council will be considering a recommendation at its meeting on Monday 15 October 2012 to delegate authority to the Chief Executive Officer to prepare a voluntary Planning Agreement with the site owner, following receipt of the Gateway determination, in accordance with the Environmental Planning and Assessment Act 1979, to be exhibited concurrently with the Planning Proposal and Development Control Plan amendment for the site, to ensure that:
  - (i) 7.5 per cent of the FSR above 1.5:1, or of total approved residential FSR, whichever is the higher, and including any bonus floor space, be dedicated in perpetuity for affordable housing to be operated by an NSW-registered Community Housing Provider;
  - (ii) a 1.5 metre setback to Wentworth Park Road be dedicated to Council at no cost;
  - (iii) provision of a through-site link;
  - (iv) ESD measures to ensure that all BASIX-affected development exceeds water and energy targets by 25 per cent; and

- (F) the Central Sydney Planning Committee note the Sydney Development Control Plan 2012 – 87 Bay Street, Glebe (Amendment No. 1), shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal and draft Planning Agreement, and in accordance with the Gateway determination.

Carried unanimously.

**ITEM 9 PLANNING PROPOSAL - VARIOUS SITES TO AMEND DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011 (S105194)**

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: amendment to various sites under draft Sydney Local Environmental Plan 2011, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: amendment to various sites under draft Sydney Local Environmental Plan 2011, for public authority consultation and public exhibition;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway determination;
- (D) the Central Sydney Planning Committee approve the draft Sydney Development Control Plan 2012 amendment – 287-289 Crown Street, Surry Hills, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal in accordance with the Gateway determination; and
- (E) the Central Sydney Planning Committee approve the draft Sydney Development Control Plan 2012 amendment – Section 2.5 – 2.5.1 Alexandria Park neighbourhood, shown at Attachment C to the subject report, for public authority consultation and public exhibition in parallel with the draft Planning Proposal in accordance with the Gateway Determination.

Carried unanimously.

**ITEM 10 CENTRAL SYDNEY PLANNING COMMITTEE SUB-COMMITTEES - UPDATE (S071107)**

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

**ITEM 11 GENERAL BUSINESS (S092508)**

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

The meeting concluded at 7.50pm.

CHAIR