

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 391
Thursday 21 February 2013
Notice Date 15 February 2013

minutes

city of villages

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PRESENT

Thursday 21 February 2013

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

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

At the commencement of business at 5.20pm, those present were -

The Lord Mayor, Councillor Kok, Councillor Mant, Mr McGaffin, Mr Poulet and Mr Webster.

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

Mr Knowles arrived at the meeting of the Central Sydney Planning Committee at 5.21pm.

Friday 8 March 2013

At the resumption of the meeting of the Central Sydney Planning Committee on Friday 8 March 2013, at 1.34pm, those present were -

The Lord Mayor, Mr Colin Rockliff (Alternate Member to the Hon Craig Knowles), Councillor Robert Kok, Councillor Edward Mandla (Alternate Member to Councillor John Mant), Mr Neil McGaffin (Alternate Member to Mr Richard Pearson, Deputy Director-General - Development Assessment and Systems Performance, NSW Department of Planning and Infrastructure), Mr Peter Poulet, and the Hon Robert Webster.

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

Apologies**Thursday 21 February 2013**

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

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

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

Carried unanimously.

Apologies**Friday 8 March 2013**

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

Councillor Mant extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

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

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

That the apologies from Mr Knowles, Councillor Mant and Mr Pearson be received and leave of absence from the meeting be granted.

Carried unanimously.

Order of Business

Thursday 21 February 2013

The Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 4 be dealt with after Items 5 to 9.

Note - At the meeting of the Central Sydney Planning Committee on 21 February 2013, discussion on Item 4 finished at 6.20pm.

ITEM 1 DISCLOSURES OF INTEREST

21 February 2013

(a) Section 451 of the Local Government Act 1993

No Members 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.

8 March 2013

(a) Section 451 of the Local Government Act 1993

No Members 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

Moved by Councillor Mant, seconded by Councillor Kok -

That the minutes of the meeting of the Central Sydney Planning Committee of 6 December 2012, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 6 December 2012.

ITEM 4 DEVELOPMENT APPLICATION: 312-318 BOTANY ROAD ZETLAND (D/2012/1175)**21 February 2013**

Note - A memo from the Director City Planning, Development and Transport to Central Sydney Planning Committee members dated 21 February 2013 entitled "Information Relevant to Item 04 - 312-318 Botany Road, Zetland and various sites - Green Square Town Centre - Essential Infrastructure - At Council 21 February 2013", was circulated to members prior to the meeting of the Central Sydney Planning Committee.

Note - The Applicant's request for minor amendments to the conditions as referred to in the memo from the Director City Planning, Development and Transport, dated 21 February 2013, as above, was handed under separate cover to members at the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee - Mr Kim Woodbury and Mr Stuart McCowan.

Adjournment

At 6.00pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

That the meeting of the Central Sydney Planning Committee be adjourned for further discussion on this matter.

Carried.

The meeting of the Central Sydney Planning Committee resumed at 6.15pm.

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

That the meeting of the Central Sydney Planning Committee be further adjourned to a date and time to be determined to allow Council officers to further consider the request from the Applicant regarding the deferred commencement condition relating to the Remediation Action Plan and the other deferred commencement conditions as shown at Attachment A to the subject report and the memo from the Director City Planning Development and Transport dated 21 February 2013.

Carried unanimously.

Friday 8 March 2013

It was noted that a memo from the Director City Planning, Development and Transport, dated 7 March 2013, entitled "Information Relevant To Item 4 - Development Application: 312-318 Botany Road, Zetland and various sites - Green Square Town Centre Essential Infrastructure - At Central Sydney Planning Committee 08 March 2013" (memo 1A) was circulated to members prior to the meeting of the Central Sydney Planning Committee.

Prior to the meeting of the Central Sydney Planning Committee, it was noted that a further memo from the Director City Planning, Development and Transport, dated 7 March 2013, entitled "Information Relevant To Item 4 - Development Application: 312-318 Botany Road, Zetland and various sites - Green Square Town Centre Essential Infrastructure - At Central Sydney Planning Committee 08 March 2013" (memo 1B) was circulated to members.

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

It is resolved that consent be granted to Development Application No. D/2012/1175 subject to the conditions of consent found at Attachment A to the subject report to the Central Sydney Planning Committee on 21 February 2013, and as amended at the meeting of the Central Sydney Planning Committee.

The Conditions of Consent (as amended in accordance with memo 1B dated 7 March 2013, and incorporating minor typographical changes) as adopted by the Central Sydney Planning Committee, are as follows:

CONDITIONS OF CONSENT:

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/2012/1175 dated 6 August 2012 (amended 31 October 2012) and Statement of Environment Effects - Green Square Town Centre Essential Infrastructure prepared by City of Sydney, dated August 2012 and the following drawings, prior to the commencement of any work on site:

Drawing Number	Rev.	Title	Prepared by	Date
L100-L305 (incl.)	D	Various	Occulus	22/06/2012
CIV-010 – CV-055 (incl.)		Services Demolition and Relocation Plans	Aurecon	21.08.12
CIV-100-CIV-160	04	Staging Plans	Aurecon	14.06.12
CIV-200-CIV-220	03	General Arrangements	Aurecon	14.06.12
CIV-260-271 (incl.)	03	Typical Cross Sections and Set Out	Aurecon	14.06.12
CIV-272-341	03	Longitudinal Sections and Cross Sections	Aurecon	14.06.12

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) PLANS / DOCUMENTS NOT APPROVED

The plans and documents set out below are NOT APPROVED as part of the subject development consent and shall be resubmitted for Council approval prior to the commencement of any works on site:

Drawing Number	Rev.	Title	Prepared by	Date
L300	D	Street Section A	Occulus	22/06/2012
L306-308	D	Shared Zone Sections	Occulus	22/06/2012
L400	D	Landscape Details Village Centre 01	Occulus	22/06/2012
L401	D	Landscape Details Village Centre 02	Occulus	22/06/2012
L402	D	Landscape Details Village Centre 03	Occulus	22/06/2012
L404	D	Landscape Details Local Area 02	Occulus	22/06/2012
L405	D	Landscape Details Local Area 03	Occulus	22/06/2012
CIV-230	03	Joynton Avenue – Detention Basin	Aurecon	14.06.12
CIV-235	03	Green Square Plaza Plan and Sections	Aurecon	14.06.12
CIV-240	04	Typical pavement details	Aurecon	21.08.12
CIV-243	03	Access Way Vehicle Crossing Details	Aurecon	14.06.12
CIV-250- 252 (incl.)	03	Stormwater Miscellaneous Details	Aurecon	14.06.12
CIV-400- 403 (incl.)	04	Pavement Layout	Aurecon	14.06.12
CIV-450 and 455	03	The Drying Green Plan and Sections	Aurecon	14.06.12
CIV 460- 461 (incl.)	03	Culvert Diversion Chambers	Aurecon	14.06.12
Green Square Town Centre – Public Domain Strategy, Draft			McGregor Coxall	January 2013

(3) ESSENTIAL INFRASTRUCTURE AND SERVICES

In principle support is given for the provision of Essential Infrastructure on the stamp approved plans including the provision of new, augmentation of existing and the removal of redundant services, road and public domain infrastructure.

Essential Infrastructure and Services must be designed and constructed in accordance with the City's current technical specification and standard details for civil works, and the relevant Authorities requirements.

Staged Public Domain Plans and Civil Documentation are to be submitted and approved by Council for each Stage prior to approval for works being granted for the relevant Stage. The submission must clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, public footways, stormwater lines, services, remediation areas and stormwater overland flow paths) required due to Staging.

All Essential Infrastructure and Services for each Stage are to be completed to the Council's satisfaction prior to the use commencing.

(3A) REMEDIATION ACTION PLAN

An overarching Remedial Action Plan (RAP) covering the full extent of the proposed Essential Infrastructure works, with the exception of 956-996 Bourke Street (Lot 10 DP 874704), 355 Botany Road (Lot Y DP 413956), and 377-497 Botany Road (Lot 1 DP 628547) subject to the "Green Square Essential Infrastructure and Public Domain – Draft Remedial Action Plan (19 December 2012)", also known as the consortium lands, shall be submitted to and approved by the Council and the NSW EPA accredited Site Auditor prior to Construction Certificate.

A statement must also be submitted by the Site Auditor certifying that this overarching RAP is practical and that the entire site will be suitable after remediation for the proposed development.

(3B) RMS REQUIREMENTS

- (a) Comments provided within the previous Transport for NSW (TfNSW) letter to Council dated 5 January 2012 (see attached) with regard to the Green Square Town Centre – Public Exhibition of Planning Proposal and Draft Development Control Plan continue to be applicable to this development application.
- (b) In accordance with the Green Square Town Centre DCP – Access and Circulation, direct vehicular access to the subject site is not permitted via Botany Road and Bourke Street.
- (c) The proposed intersection of Bourke Street / Ebsworth Street shall be physically restricted to left-in / left-out movements through the installation of a raised concrete median island similar to that indicated on Drawing No: CIV-390, Rev: 03, Dated: 14/06/12. The raised central concrete median shall have a minimum width of 900mm.
- (d) To ensure traffic efficiency is not compromised along Botany Road, the RMS will not agree to any at-grade pedestrian crossing facilities at the proposed bus signals at the intersection of Botany Road / East-West Boulevard (Civic Plaza).
- (e) To address pedestrian desire lines across Botany Road between the proposed Town Centre and the Rail Station, the applicant will be required to install pedestrian fencing along Botany Road which would

direct pedestrians to the at-grade crossings at the signalised intersection of Botany Road / Bourke Street / O'Riordan Street (TCS# 346). Note: The scope and length of pedestrian fencing is to be resolved prior to the issue of any construction certificates.

- (f) Prior to the issue of the relevant construction certificates excluding demolition, remediation, excavation and shoring works, the applicant will be required to submit concept design plans to the RMS for in-principle approval for the following signalised intersections:
 - (i) Bourke Street / Portman Street,
 - (ii) Zetland Avenue / Joynton Avenue,
 - (iii) Zetland Avenue / Paul Street,
 - (iv) Botany Road / Geddes Avenue,
 - (v) Botany Road / Bourke Street / O'Riordan Street / Wyndham Street,
 - (vi) Botany Road / East-West Boulevard (Civic Plaza).
 - a. Note: The applicant must also submit detailed 2031 (AM / PM Peak) traffic modelling for the abovementioned intersections which details Average Delays, Level of Service, queue lengths, lane configurations, turn bay lengths, etc.
 - b. The abovementioned intersections along Botany Road will need to accommodate the provision of right turn storage lanes along Botany Road, which will require land dedication from the subject site as public road at full cost to the developer.
- (g) Redundant driveways are to be removed with kerb and gutter reinstated to Council's requirements.
- (h) Appropriate provision must be made for parking, cyclists, service vehicles, including garbage vehicles, maintenance vehicles, deliveries and buses on the internal roads and intersections. Council must also ensure that a review of all the intersections is satisfactorily carried out using Austroads turning circles for the largest vehicle likely to use the intersection.
- (i) Full time 'No Stopping' restrictions shall be installed along the entire Botany Road and Bourke Street property frontage of the Green Square Town Centre (except where Bus Zones are required). The applicant is to contact the RMS's Traffic Engineering Services on Phone: (02) 8849 2907 for a Work Instruction, prior to implementing the full time "No Stopping" regulatory signage.
- (j) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council, for approval, prior to the issue of any construction certificate.

- (k) Subject to approval from Council's Local Pedestrian, Cycling and Traffic Calming Committee, full time "No Stopping" restrictions are to be installed in accordance with the Road Marking and Signage Plans (Sheets 1-4).
- (l) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (m) The Applicant is to comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. The developer is to meet the full cost of this assessment by the RMS. Details of this Technical Direction can be emailed to the applicant upon request.
- (n) Council should ensure that the post-development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.
 - (i) Should the post-development stormwater discharge exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.
 - (ii) Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
 - (iii) A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.
- (o) Proposed Traffic Signal works at the intersections of Bourke Street / Portman Street, Zetland Avenue / Joynton Avenue, Zetland Avenue / Paul Street, Botany Road / Geddes Avenue, Botany Road / Bourke Street / O'Riordan Street / Wyndham Street, Botany Road / East- West Boulevard (Civic Plaza) and associated civil works along Bourke Street and Botany Road shall be designed in accordance with Austroads with RMS supplements, RMS' Traffic Signal Design Manual other Australian Codes of Practice. Design plans shall be prepared by a suitably qualified practitioner and submitted to RMS for consideration and approval prior to commencement of any Traffic Signals and associated civil works. RMS fees for administration, plan checking, signal works inspection and project management will need to be paid by the developer prior to the commencement of any Traffic Signals and associated civil works. A ten (10) year operation charge (payable to Roads and Maritime Services) will apply to each new signalised intersection.
 - (i) RMS fees for administration, plan checking, signal works inspection and project management will need to be paid by the

developer prior to the commencement of any road works. A ten (10) year operation charge (payable to Roads and Maritime Services) will apply to each new signalised intersection.

- (p) The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed design plans.
- (q) All works / regulatory signage associated with the proposed development are to be at no cost to the RMS.

(3C) RAILCORP REQUIREMENTS

- (a) Final construction methodology with construction details pertaining to the installation of services and undertaking of works with the area shown in green or yellow in the plan provided in Attachment D submitted to Railcorp for review and comment on the impacts of the rail corridor. Works are not to commence until written confirmation has been received from Railcorp confirming that this condition has been satisfied.
- (b) Prior to commencement of works, 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. Works are not to commence until written confirmation has been received from Railcorp confirming that this condition has been satisfied.
- (c) Details of the machinery to be used during the works are to be submitted to Railcorp for review and endorsement. Works are not to commence until written confirmation has been received confirming that this condition has been satisfied.
- (d) On completion of works the Applicant is to submit the as-built drawings to Railcorp. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Railcorp property or easement, and that there has not been works deeper than 2m in depth within the area shown in green or yellow in the plan provided in Attachment D.

(4) SUBMISSION OF FINAL DESIGN DRAWINGS

Final design drawings shall be submitted for all infrastructure works.

(5) 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 for each Stage of the development must be prepared by an architect, urban designer or landscape architect and must be approved by Council prior to a Construction Certificate being issued or works commencing on the relevant Stage excluding approved preparatory, demolition, remediation or shoring work.

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

The works to the public domain must be completed in accordance with the approved plans, the Public Domain Manual and the City's satisfaction before the use commences for each Stage.

(6) RAIN GARDENS AND LANDSCAPED VERGE

The location of the rain gardens and landscaped verges as shown on the stamped approved plans is supported in principle. Opportunities for additional rain gardens and landscaped verges are to be investigated and incorporated into the design where appropriate. Final locations and design of the raingardens and landscaped verge is to consider the following;

- Crossings and driveway entrances
- Sight lines
- Street lights and other services
- Maximum rainfall harvesting and overall stormwater management
- Street tree locations
- Good design practise

The design and construction of the rain gardens and landscaped verge is be undertaken in accordance with the City's current technical specification and standard details for civil works and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for each Stage for approval. The submission shall include as a minimum the following information:

- (a) Detailed construction plans, drawn to scale, by suitably qualified landscape architect and engineers (as appropriate).
 - (i) Details of proposed levels and site grading including temporary surface treatments (if applicable);
 - (ii) Details of bio filtration and soil material;
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of drainage systems including subsoil drainage.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan addressing the Council's operational capabilities is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during the specified maintenance and defects liability periods.
- (c) All works in the approved plan is to be completed prior to any Occupation Certificate being issued or the use commencing for the relevant Stage.

(7) TWEED PLACE BARKER STREET AND HINCHCLIFF STREET (NORTH) DESIGN

The design of Tweed Place, Barker Street (north of the Plaza), and Hinchcliff Street (north) has not been approved by this consent. The design of these streets is to be revised to incorporate the traffic conditions, and address the following:

- (a) Crime Prevention Through Environmental Design principles.
- (b) In accordance with the City's Access DCP 2004 and Access Policy 2004.
- (c) Environmental Sustainable Design principles (investigate opportunities for additional soft landscaping).
- (d) Ausgrid and City's lighting requirements and standards.
- (e) Minimise streetscape clutter.
- (f) Prioritise pedestrian movement.
- (g) Adequate footway widths and direct line of pedestrian movement.

The revised plans are to be submitted to Council and approved as part of the public domain plan submission for the relevant stage.

The proposed design of Tweed Place (south) is to extend not further than 45m in length measured from the centreline of Ebsworth Street to provide appropriate access to Development Site 6.

(8) FUTURE OPEN SPACE – DRYING GREEN

Works to the future open space – Drying Green, have not been approved by this consent.

The design of all works to the Drying Green must be submitted to Council and approved prior to any works commencing on this land. Works which require approval include but are not limited to remediation, earthworks, service installation, stormwater detention, construction of GPT's.

The design of works to the Drying Green must demonstrate that the final landscape design of the Drying Green has been adequately considered and designed for.

(9) DRYING GREEN STORAGE BASIN

Prior to any works on the Drying Green, detailed design of the proposed stormwater works within this area shall be submitted and approved by Council. As a minimum the design shall include the following:

- (a) Detailed design of the proposed detention basin to meet the storage allowed in the flood modelling including:
 - (i) Flood assessment report to ensure that there will be no over flows from the basin up to and including the 1 in 20 year flood

event. The assessment report must also calculate any adverse flood impacts to any existing developments upstream or downstream. No adverse flood impacts are allowed outside the development site.

- (ii) Designs to show all overflows up to and including the 1 in 100 flows from the proposed basin are contained within the proposed road carriage ways. The depths and velocity of flows are to comply with the safety requirements for overland flows within road carriageways.
 - (iii) Contour plans including long section of the basin wall and cross sections at 20m intervals.
 - (iv) Inlet and outlet details.
- (b) Detailed design of the proposed stormwater pipelines within and through the detention basin, including HGL analysis.
 - (c) Detailed design of any temporary drainage works that are required for the construction of the proposed basin and also for any staged construction.

(10) PORTMAN STREET EXTENT OF WORKS

Essential Infrastructure and Public Domain works are to include the streetscape of Portman Street between Portman Lane and Hansard Street.

(11) SHARED ZONE

- (a) The proposed shared zones on Tweed Place and Barker Street are not approved as part of this consent.
- (b) Additional information must be submitted prior to the commencement of stage 2 to show the three shared zones can meet the requirements of the RMS warrants.
- (c) The design and typical cross sections of the proposed Shared Zones for the Tweed Place and Barker Street are not approved as part of this consent.

The detailed design must be submitted as part of the stage 2 detailed design documentation.

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.

Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. The cost for these changes must be undertaken by the applicant at their own cost.

The plan must be approved as part of the 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]

- (d) If these streets are not approved to be shared zones an alternative design must be undertaken and submitted to Council as part of the stage 2 detailed design documentation.

(12) ENTRY TREATMENT – TWEED PLACE AND BARKER STREET

The entry treatments for Tweed Place and Barker Street are not approved. The design of these intersections is to be reviewed and resubmitted to Council for approval prior to the commencement of construction. The revised design is to reduce the width of the entry as much as possible and to ensure pedestrian and driver legibility of the spaces.

(13) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

All costs associated with the construction of any new or temporary Essential Infrastructure works road works including kerb and gutter, road pavement, drainage system, footway, services, vehicle turning movements, remediation, landscaping and similar shall be borne by the developer.

(14) 40KM/H DESIGN SPEED

All streets within the Green Square Town Centre area must be designed to 40km/h speed restrictions.

(15) TRAFFIC CALMING

An indicative area wide traffic calming plan must be submitted to Council for review and approval prior to the detailed design of the first stage of road infrastructure being submitted. This plan must show all the proposed traffic calming devices to be installed on the internal road network within the Green Square Town Centre area. Council will liaise with the RMS with regards to the 40km/h speed zone approval.

All works must be endorsed by the LPCTCC and included in the Essential Infrastructure plans prior to their submission.

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

(16) BUS ROUTES

The typical cross sections submitted as part of the development application provide for a bus route throughout the site.

Prior to the detailed design of any road within the site the applicant must liaise with the City to confirm whether this bus route is still the preferred option for the applicant and the City. Any changes to the bus route will result in changes to the typical cross sections.

All bus routes must have a minimum travel lane width of 3.3m.

(17) BUS STOPS

The application does not include any proposed locations for bus stops. The bus zones will need to be included in the parking plans and included in the detailed design of the streets.

To enable an area wide assessment of the bus stop locations to be considered the proposed locations must be submitted to the City prior to the detailed design of any stage which contains a street with a bus route.

The design requirements for the bus stops must be done in consultation with the City.

(18) DESIGN VEHICLES

All streets and intersections must be designed to accommodate a Council waste collection vehicle, as described in Council's Waste Minimisation Policy, with the following exceptions:

- (a) The applicant can provide evidence to Council's satisfaction that neither a waste collection vehicle nor a medium rigid vehicle will be required to use the intersection. In this instance a swept path of the largest service vehicle using the street must be submitted or a B99 car if no service vehicles will be using the street; or
- (b) The intersection is located on a bus route. In this instance the intersection must be designed to accommodate a 12.8m bus.

(19) TURNING PATHS

A swept path analysis, for each of the intersections, must be submitted to Council with the detailed design package for each stage. The swept paths must be done to suit the largest design vehicle performing that turn.

This information must be submitted and approved as part of the detailed design documentation.

[Note: The kerb radii shown in the submitted developments applications plans are large and should be refined, where possible, as part of this process.]

(20) TYPICAL STREET SECTIONS

The typical street sections submitted as part of this plan are agreed in principle. Any changes to the typical sections as a result of changes to the cycle network, bus routing or other, will require these sections be amended to the approval of Council prior to the detailed design documentation being submitted.

Section A on plan L-300-D and Section F on plan L-303-D are not approved as part of this application.

(21) CYCLE WAY DESIGN

The minimum section for a bi-direction cycleway must be 2.4m for the cycleway with a 0.4m buffer zone.

The detailed design of the cycle ways must be submitted with detailed design documentation for each stage of the development. All intersection treatments are to be included as part of the detailed design documentation for the relevant stage.

The relevant signage must be included as part of the traffic signage plan required for each stage of the development.

[Note: The location of the Geddes Avenue cycle way must be done in consultation with the City to ensure it is designed to work with the future cycle way currently being designed on the Geddes Avenue extension.]

(22) PARKING SIGNS

All parking restriction signs included as part of this application are not approved.

(23) PARKING PLAN

An indicative area wide parking plan must be submitted to the Traffic Operations team for review and approval. This plan must show all the proposed parking restrictions proposed to be put in place across the entire Green Square Town Centre site as a whole. This plan must be approved prior to any of the street specific parking plans being submitted.

Street specific parking plans must be submitted to the Traffic Operations team for approval. These plans must include the location and information present on each stem and sign. The plans must include chainages to each sign and stem from the kerb line of the nearest intersection. The street specific parking plans must be in line with the area wide parking plan, with any changes identified with the submission. The street specific parking plans must be submitted for each of the streets prior to the construction commencing for the street.

All parking signs must be approved and installed prior to the road being open for public use and prior to the occupation certificate being granted. The plans will require a referral to the LPCTCC for endorsement.

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

(24) FLOOD ASSESSMENT REPORT

- (a) A site-specific flood assessment report shall be prepared and submitted by the applicant for each Stage, which ensures that no long term additional adverse impacts are created upstream or downstream of the site;
- (b) The flood assessment is to include a site specific Flood Risk Management Plan in accordance with the recommendations outlined in

the Green Square Town Centre Floodplain Risk Management Plan prepared by Cardno dated July 2012.

The flood assessment is to be undertaken by a suitably qualified and experienced hydraulic engineer and must show pre-development and post-development scenarios.

(25) TRAFFIC PRIORITIES AND SIGNAGE

All traffic signage and line marking included as part of the development application is not approved as part of this consent.

A separate application must be made to the City's Traffic Operations Unit for the approval of all traffic signage and line marking within and on the boundary to the Green Square Town Centre site.

The signage and line marking plans must be submitted for each of the stages prior to the construction commencing for that stage.

The signs and line marking for each stage must be approved and installed prior to the road being open for public use and prior to the occupation certificate being granted. The plans will require a referral to the LPCTCC for endorsement.

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

(26) PEDESTIAN CROSSING FACILITIES

All pedestrian crossing facilities shown within the site are not approved as part of this consent.

A separate application to Council must be made to plan the pedestrian crossing facilities throughout the site.

Prior to any detailed design documentation being submitted for any of the stages the applicant must undertake a review of pedestrian crossing facilities for the whole site. An area wide plan must be submitted to Council for approval. This plan must provide an indicative location and crossing type along with evidence the RMS warrants for each crossing can be satisfied.

As part of the detailed design documentation for each stage the final location and design of each crossing must be submitted for approval.

All pedestrian crossing facilities along with evidence the RMS warrants can be satisfied must be submitted to the LPCTCC for endorsement.

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

(27) MEDIAN STRIP

The intersection of Ebsworth Street onto Bourke Street must be restricted to left in left out only. Right turn movements to and from Ebsworth Street must be prohibited by a concrete median.

The design and location of this median is not approved as part of this consent.

The design and location of the median will require a separate submission to be made to the Traffic Operations Unit and a referral to the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approval from Council officers prior to the construction certificate being issued.

The median must be constructed as per the conditions of the LPCTCC.

The median must be constructed prior to Ebsworth Street between Bourke Street and Zetland Avenue being open for public use.

(28) SIGNALISED INTERSECTIONS PLANNING

The applicant must undertake a traffic study of the Green Square Town Centre and surrounding area to review which intersections are required to be signalised and when each of the signalised intersections will need to be activated.

The intersections being reviewed must include but not be limited to:

- (a) Paul Street and Zetland Avenue;
- (b) Zetland Avenue and Joynton Avenue;
- (c) Geddes Avenue and Botany Road; and
- (d) Portman Street and Bourke Street.

The review must be submitted to Council for review and approval. The report will require discussion with the RMS and additional work may need to be undertaken at this planning stage.

The review must be approved by Council and gain RMS in-principle approval prior to the detailed design documentation of any of the stages within the development site being submitted.

(29) SIGNALISED INTERSECTIONS DESIGN AND DELIVERY

The proposed signalised intersections will each need to be designed and submitted with the detailed design documentation for their respective stage.

The signal design must be submitted to the City and will require approval from the RMS and a referral to the LPCTCC for endorsement.

The traffic signal infrastructure must be installed as part of the stage they appear in even if the planning does not require them to be activated until a later stage of development.

The design of the signals must be approved by the City as part of the detailed design documentation of that stage.

(30) STAGED DELIVERY OF SURROUNDING SITES

This consent does not provide approval for the consent to the staging of the development lots adjacent to the road network.

Each development lot must provide a review of their proposed traffic generation, and any approved applications generation, to ensure the intersection capacity can perform suitably.

The development lots may be required to wait until the next stage of the road network is provided.

(31) TEMPORARY TURNING AREAS

Any road which is constructed and dedicated as a dead end street, as a result of the staged delivery of the site, must provide a temporary vehicle turning area.

Details of the vehicle turning must be submitted with the detailed design of the affected road.

All temporary turning areas must be designed to accommodate a Council waste collection vehicle as a minimum.

The vehicle turning area must remain until the relevant subsequent stages are complete and the turning area is no longer required.

(32) JOYNTON AVENUE INFRASTRUCTURE WORKS

Any infrastructure works associated with the intersection of Joynton Avenue and Zetland Avenue adjacent to the localised low point (depression) shall not proceed until a drainage solution has been developed to the satisfaction of Council. Documentary evidence of the drainage design is to be submitted to Council before any construction works can commence for the relevant Stage.

(33) HISTORIC SANDSTONE AND BRICK WALL ON JOYNTON AVENUE

The proposed works to raise the level of Joynton Avenue are to include raising the level of the historic sandstone and brick wall on Joynton Avenue to the final road level to the satisfaction of Council.

(34) ADDITIONAL LANDSCAPING DETAILS TO BE PROVIDED

Prior to the commencement of works final design documentation must be submitted to the satisfaction of the City's Tree Management Team including:

- (a) Details of the proposed tree / plant species. This shall include both botanical and common names, quantities of species, pot sizes, height at maturity, and the like.
- (b) The selection of species shall have regard to the adopted Council Street Tree Masterplan policy at the time, the suitability of the respective species having regard to site constraints, and the

overarching vision for the Green Square Town Centre as reflected in South Sydney LEP 1998 and DCP 1997 (as may be amended).

- (c) Details of the planting and maintenance methodologies, including pit details, soil preparation methods, soil depths, stock sizes and the like. It should be noted that the use of advance stock is preferred that are a minimum pot size of 100 litres.
- (d) That designs provide details of deep soil plantings on development sites and are in accordance with the standards specified in the DCP.

(35) NEW STREET TREE PLANTINGS

- (a) All street trees are to be supplied and installed in accordance with the requirements of the City of Sydney Street Tree Master Plan 2011 (or the most relevant adopted version), Part D Technical Guidelines.
- (b) The design must include the following Street tree species detailed in the table below; noting that several streets have had the species amended from that detailed within the plan (Geddes Avenue, Paul Street, Zetland Avenue).

Street location	Recommended tree species	Common name
Ebsworth Street	<i>Liriodendron tulipifera</i>	Tulip Tree
Tweed Place (east of Ebsworth)	<i>Acer buergerianum</i>	Trident Maple
Tweed Place (west of Ebsworth)	<i>Zelkova serrata</i> 'Green Vase'	Japanese Zelkova
Fellmonger Place	<i>Celtis australis</i>	Southern Hackberry
Barker Street (east of Ebsworth)	<i>Acer buergerianum</i>	Trident Maple
Barker Street (west of Ebsworth)	<i>Brachychiton acerifolius</i>	Illawarra Flame Tree
Hinchcliff Street	<i>Celtis australis</i>	Southern Hackberry
Woolpack Street	<i>Zelkova serrata</i> 'Green Vase'	Japanese Zelkova
Geddes Avenue	<i>Ulmus parvifolia</i> 'Todd'	Chinese Elm
Sonny Leonard Street	<i>Corymbia maculata</i>	Spotted Gum
Paul Street (footways)	<i>Liriodendron tulipifera</i>	Tulip Tree
Paul Street (median)	<i>Eucalyptus microcorys</i>	Tallow Wood
Zetland Ave (southern median, between Bus lane and traffic lane)	<i>Waterhousia floribunda</i> 'Green Avenue'	Weeping Lilly Pilly
Zetland Ave (northern median, between traffic lane and cycle lane)	<i>Brachychiton acerifolius</i>	Illawarra Flame Tree
Zetland Ave (northern footway)	<i>Populus simonii</i>	Simons Poplar

(36) STREET TREE PLANTING PIT DESIGN

- (a) The volume of uncompacted soil provided within the Stratacell modules in each street location be revised in accordance with the recommended soil volumes presented on drawing L-100, and increased where necessary to at least meet the recommended soil volumes.
- (b) The location of the Stratacell modules be modified to create linked street tree planting pits aligned parallel to the street kerb, rather than individual pits that encourage root growth towards the boundaries of private property.
- (c) All imported soils (including subgrade) be specified by an accredited and experienced consultant specialising in science of urban soils, with proper regard given to the design of the tree planting pits and long term health and viability of the specified street tree species.
- (d) The detailed design gives full consideration to sub-soil drainage to ensure that all street tree planting pits are free draining and suitable for tree establishment.
- (e) Opportunities for the harvesting of surface storm water be investigated and used for the passive watering of street trees and other planted areas where appropriate.
- (f) The specified tree grate be substituted with the new City of Sydney standard street tree grate (yet to be determined). The applicant / developer shall contact the City's Street Tree Contract Coordinator to obtain the relevant details of this standard.

(37) REMOVAL OF TREES ON THE SITE

The following requirements apply:

- (a) All trees, including the three Poplar trees adjacent to Portman Street, shall be retained and protected in situ for as long as possible during excavation, earthwork, and construction, and where possible, retained until further development on the site is approved and commenced.
- (b) Details of tree protection measures to be implemented during construction and development on site shall be provided to Council's Tree Management Team for approval prior to commencement of work for the respective stages. This shall include a Arboricultural Impact Assessment by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 must be provided to Council that includes;
 - (i) A detailed list of trees recommended for removal and/or retention;
 - (ii) Tree locations and numbers provided on a site plan;
 - (iii) An assessment and discussion of the likely impacts the proposed development will have on the trees. This should include above and below ground constraints on trees that should be retained;

- (iv) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term;
 - (v) Any soil level changes and construction methods; and
 - (vi) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site.
- (c) The local community shall be regularly informed of the removal of trees, including any staged removal. This may be in the form of regular neighbourhood newsletters and/or community information sessions and/or the like.

(38) TREE PROTECTION ZONES

- (a) Before the commencement of works, the Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below.

TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
Group 1	Poplar trees	Portman Street (at rear of 97-115 Botany Rd).	8 metres
Group 2	Eucalypt trees	Frontage of 377-497 Botany Road	8 metres
Group 3	Eucalypt trees	northern side of Waverly Depot	8 metres

Each TPZ must be:

- (b) Enclosed as outlined above with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be destroyed during the establishment or maintenance of the fencing.
- (c) Kept free of weed and grass and mulch maintained to a depth of 75mm for the duration of works.
- (d) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site.
- (e) The following works shall be excluded from within all TPZs, unless prior approval is obtained from the City's Tree Management team:
 - (i) Soil cut or fill including excavation and trenching
 - (ii) Soil cultivation, disturbance or compaction
 - (iii) Removal or pruning of trees, except where consent has been given

- (iv) Stockpiling. storage or mixing of materials
- (v) The parking, storing, washing and repairing of tools, equipment and machinery
- (vi) The disposal of liquids and refuelling
- (vii) The disposal of building materials
- (viii) The siting of offices or sheds
- (ix) Any action leading to the impact on tree health or structure
- (f) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 and approved by Council's Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).
- (g) Any root/s over 50mm in diameter must be pruned by the site Arborist. The Site Arborist must also detail all root pruning undertaken in report form to Council within 1 month of the excavation being undertaken.

(39) REMOVAL OF TREES ON 'DEVELOPMENT SITES' TO BE SUBJECT OF SEPARATE DEVELOPMENT APPLICATIONS

- (a) Besides tree removal related to the provision of the essential infrastructure approved as part of this development, the removal of any other trees on the 'Development Sites' identified in South Sydney LEP Green Square Town Centre shall be considered as part of the future Development Applications for the respective sites. Where possible, the future building and landscape designs shall retain healthy trees.
- (b) Setbacks, including allowances for the full height of buildings, shall be considered with all future development applications to allow existing healthy trees to be retained.
- (c) All trees shall remain on private development sites in the short term and their retention will be assessed and considered in relation to each development application. Overall, any tree that is permitted for removal shall be kept on site for as long as possible, prior to the physical commencement of building works.

(40) STREET TREE REMOVAL AND RETENTION

- (a) No street trees are approved for removal as part of this development application / consent.
- (b) Any street tree which requires removal for the purpose of essential infrastructure works or for any other reasons shall not be removed without written consent from Council's Tree Management Unit.

- (c) The applicant / developer shall provide sufficient evidence detailing why a street tree requires removal. This information shall include but is not limited to:
- (i) An Arboricultural Impact Assessment by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 must be provided to Council that includes;
 - (ii) A detailed list of trees recommended for removal and/or retention.
 - (iii) Tree numbers provided on a site plan.
 - (iv) An assessment and discussion of the likely impacts the proposed development will have on the trees. This should include above and below ground constraints on trees that should be retained.
 - (v) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term.
 - (vi) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site.

(41) ADDITIONAL LANDSCAPING DETAILS TO BE PROVIDED

- (a) All development sites, where appropriate, shall include a provision within the designs / landscape plans, for at least one tree to be planted that will reach a minimum mature height of 8 metres.
- (b) Any landscaping to be undertaken should utilise species native to the locality with reference to the Draft City of Sydney DCP 2010 (Section 2.7) and the Draft Urban Ecology Strategy (in preparation). Non-native plants that have the potential to become invasive weeds should not be used in landscaping. A diversity of trees, shrubs and groundcover should be incorporated in the landscaping plans to provide foraging and nesting opportunities for native fauna.

(42) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

(43) COST OF SIGNPOSTING

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

(44) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(45) VEHICLE ACCESS

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

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.

(46) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to a Construction Certificate being issued for each Stage, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued for each Stage.

- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.

(47) SUBSURFACE DRAINAGE

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

A design certification report for the subsurface drainage system shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Principal Certifying Authority for approval prior to the issue of the first Construction Certificate excluding approved remediation, preparatory, demolition and excavation work for each Stage.

The plans shall include as a minimum the following information:

- (a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- (b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- (c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- (d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

(48) DRAINAGE AND SERVICE PIT LIDS

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

(49) DESIGN AND CONSTRUCTION OF ROADS AND DRAINAGE WORKS

- (a) The final design and construction of all road and drainage works, including temporary road works, shall be undertaken in accordance

with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for each Stage of works. A design certification report for the road works shall be prepared by an appropriately qualified civil engineer and shall be submitted for approval of Council prior to the issue of the first Construction Certificate excluding approved remediation, preparatory, demolition and excavation work for that Stage.

- (b) The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road and drainage works prepared and certified by a Professional Engineer, and is to include:
 - (i) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site.
 - (ii) Geometric design and pavement design of the road network including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing.
 - (iii) Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration.
 - (iv) Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system.
 - (v) Details of the provision of stormwater stub connections for each Stage is to be included into the design.
 - (vi) Details of design and specifications for footpaths, retaining walls, pedestrian and associated verge works.
 - (vii) Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required.
 - (viii) Specifications showing assumptions, calculations and testing.
- (c) The certification for each Stage is to include confirmation from a Professional Engineer that the design complies with Council's Development Specifications for Civil Works Design and Construction or Council's specification current at the time.
- (d) The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development.

(50) DRAINAGE SYSTEM DESIGN

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

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

(51) ESSENTIAL INFRASTRUCTURE AND PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate for each Stage being issued, excluding approved remediation, preparatory, demolition and excavation work, a set of hold points for approved public domain and civil construction work is to be determined and approved by Council in accordance with the City's Public Domain Manual.
- (b) Completion of the constructed Essential Infrastructure and 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.

(52) ALIGNMENT LEVELS

Plans approved in principle

- (a) Prior to a Construction Certificate being issued for each Stage, road and footpath alignment levels must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently or before the submission of a Public Domain Plan.

(53) DESIGN CAPACITY FOR DRAINAGE SYSTEM

- (a) Prior to the release of the Construction Certificate excluding approved remediation, preparatory, demolition and excavation work the applicant must submit for Council's approval the design capacity for the proposed trunk drainage system to accommodate events up to and including the one in twenty year ARI event, including:
- (b) Detailed engineering drawings both for all new drainage infrastructure and retained sections of existing drainage infrastructure;
- (c) Hydrologic and hydraulic calculations, including (but not limited to) allowances for the effects of climate change, HGL levels, pit losses, inlet losses, bend losses, junctions losses and appropriate pit blockage factors.

(54) SYDNEY WATER TRUNK DRAINAGE SYSTEM

- (a) Prior to a Construction Certificate being issued for Stages affected by Sydney Water's trunk drainage system, the approval of Sydney Water for the proposed work and relocation of its system shall be provided to Council.
- (b) Prior to a Construction Certificate being issued for Stages affected by Sydney Water's trunk drainage system, the approval of Sydney Water for any proposed connection into its system shall be provided to Council.

(55) EASEMENTS FOR STORMWATER

- (a) An Easement for stormwater purposes to the benefit of Sydney Water must be registered on title for all relocated sections of its trunk drainage system.
- (b) Creation of Drainage Easement rights in favour of the City for any parts of the proposed local drainage system within private property.

(56) SUBMISSION OF SUBDIVISION APPLICATION

A separate subdivision application shall be submitted to and approved by the City for the creation of the proposed roads and public reserves, including all easements reasonably necessary to recognise and support any infrastructure.

(57) FOOTWAY WIDTH

Minimum footway widths as detailed in the City LEP and DCP are to be provided including at road intersections. Where kerb and gutter alignments need to be adjusted to accommodate vehicle turning movements, appropriate adjustments to future property boundaries will need to occur. All adjustments are to be submitted to Council for approval.

(58) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee for each Stage of the development, calculated on the basis of lineal metres of site frontage of

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

- (b) In lieu of the bank guarantee required by (a), Council may accept an unconditional performance bond that is in accordance with Council's policy on performance bonds.
- (c) The guarantee must be lodged with Council prior to works commencing on site.
- (d) The guarantee for each Stage will be retained in full until the works for the relevant Stage are complete and all rectification works carried out to the satisfaction of Council.

(59) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for works being granted, including demolition, for each Stage a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(60) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

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

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(61) ESSENTIAL INFRASTRUCTURE / PUBLIC DOMAIN SECURITY

Security for Essential Infrastructure works is to be lodged prior to the issue of a Construction Certificate or works commencing (whichever is earlier) for each Stage.

A detailed cost estimate (certified by a Quantity Surveyor) of each Stage of Essential Infrastructure and Public Domain Works is to be prepared and submitted to Council for approval. The approved value will determine the Essential Infrastructure Security amount.

The Essential Infrastructure Security must be submitted as an unconditional bank guarantee or insurance bond in favour of Council in accordance with Council policy, as security for completion of the relevant Stage of Essential Infrastructure works.

The Security will be retained in full until all Essential Infrastructure works for that Stage is complete 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.

(62) STREET AND PEDESTRIAN LIGHTING

The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, and street closures in accordance with Ausgrid and Council standards. Detailed plans, specifications, light level calculations are to be submitted to and approved by Council for each stage prior to the issue of a construction certificate for that stage.

The extent of smart pole lighting, Ausgrid standard lighting and wall mounted non-standard lighting types are to be reviewed and agreed with by Council.

The lighting plans shall show layout, location, connections, conduits, types, luminaries, fixtures and footings.

If lighting is to be fixed to adjoining buildings the above details plus details of the fixture and timing for delivery are to be included in the submission.

Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.

(63) DILAPIDATION SURVEYS

If required by RailCorp, 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 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.

(64) ELECTROLYSIS RISK

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.

(65) RISK ASSESSMENT / MANAGEMENT PLAN AND DETAILED SAFE WORK METHOD STATEMENTS

If required by RailCorp, 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 the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp that this condition has been satisfied.

(66) TUNNEL/TRACK MONITORING PLAN

If required by RailCorp, a tunnel/track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and is required, that it has been endorsed.

(67) PUBLIC LIABILITY INSURANCE COVER

Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusions in relation to works on or near the rail corridor. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal.

Prior to issuing the Constriction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.

(68) UTILITY SERVICES

- (a) Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.
- (b) Documentary evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completion of construction and installation of those services.

(69) REMEDIATION ACTION PLANS – STAGED WORKS

Final Remediation Action Plans for each Stage of the proposed works, are to be submitted for approval by the Council and the NSW EPA accredited Site Auditor Graeme Nyland in accordance with the approved Overarching Remediation Action Plan for the Essential Infrastructure works (referred to in Condition 1 above), prior to the commencement of work.

(70) LAND REMEDIATION

The site must be remediated and validated in accordance with the final Remediation Action Plan approved by the Site Auditor and the Council as required in accordance with this consent.

Any variations to the proposed remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(71) SITE AUDIT STATEMENT

PRIOR TO ANY ABOVE GROUND WORKS COMMENCING a Site Audit Statement prepared by a NSW EPA accredited auditor is to be submitted to Council certifying that the site is suitable for the intended 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.

(72) CLEAN FILL

Documentation is to be submitted to Council for approval demonstrating that clean fill will be established with an adequate clearance around all infrastructure, services, roads and public domain works.

(73) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence whichever applies.

Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc.).

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (a) contact person for the site;
- (b) telephone and facsimile numbers and email address; and
- (c) site activities and time frames.

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

The Soil and Water Management Plan accompanying this Development Application has not been approved by this consent.

[Planner: Only use this first paragraph if a Soil and Water Management Plan was submitted with the DA, otherwise delete]

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management

Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

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

(75) ROAD OPENING PERMIT

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

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

(76) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

- (e) 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.

(77) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:
 - (i) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

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

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

(78) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(79) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(80) CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements. The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment Climate Change and Water (DECCW) waste tracking requirements. For further information contact DECCW on 131 555.

(81) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(82) TEMPORARY DRAINAGE DIVERSIONS**

At all times during the construction/reconstruction of the trunk drainage system, adequate temporary diversions are to be installed and maintained to the satisfaction of Council to ensure that the design 20 year capacity of the drainage system is retained at all times.

(83) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the development activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 2005.

- (c) Waste Avoidance and Recovery Act 2001.
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011

(84) WASTE CLASSIFICATION

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the 'Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(85) DUST MANAGEMENT

All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting-down of disturbed soils.

(86) WATER POLLUTION

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

(87) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION.

- (a) 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:
 - (i) 9:00am – 12:30pm and 1:30pm to 4:30pm Mondays to Fridays and
 - (ii) 9am – 1pm on Saturdays and No operation is permitted on Sundays or public holidays.
- (b) All reasonable and feasible steps must be undertaken to ensure that all works complies with 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'
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including

the adoption of less noise intrusive plant and equipment or technologies.

(88) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(89) NOISE USE

- (a) General criteria

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (iii) The LAeq, 15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- (iv) In this clause, the term "noise level emitted from the use" means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.
- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

(90) ACID SULFATE SOILS

- (a) If any new information comes to light during, demolition, excavation or construction works which has the potential to alter previous conclusions about Acid Sulfate Soils then this must be immediately notified to the Council and the Principal Certifying Authority.
- (b) All works arising from the identification of Acid Sulfate Soils are to be carried out in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for works that are classified as being in an Acid Sulfate Soils Zone Class 3.

(91) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(92) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(93) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) New South Wales Occupational Health & Safety Act 2000.

- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) The Occupational Health & Safety Regulation 2001.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

(94) PROTECTION OF STREET TREES DURING CONSTRUCTION

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

Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

(95) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(96) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(97) 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.

(98) NO OBSTRUCTION OF PUBLIC WAY

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

SCHEDULE 2

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

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 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>

Carried unanimously.

Note - The Chair (the Lord Mayor) thanked all parties involved for the good work carried out on this matter.

ITEM 5 DEVELOPMENT APPLICATION: 301-303 BOTANY ROAD ZETLAND - FORMER JOHN NEWELL MAZDA SITE (D/2012/1056)

Moved by Mr Knowles, seconded by Councillor Mant -

It is resolved that consent be granted to Development Application No. D/2012/1056, subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) APPROVED DEVELOPMENT**

- (a) Stage 1 development consent is granted only for building envelopes and general arrangement of land uses within the development, being basement car parking; mixed use podium blocks containing retail premises and residential apartments; residential towers; and an east-west through-site link, in accordance with Development Application No. D/2012/1056 dated 13 July 2012 and Statement of Environmental Effects prepared by JBA Planning, dated June 2012 and the following drawings:

Drawing Number	Architect	Date
DA02 Site Analysis	Stanisic Associates	02.09.11
DA27 Building Envelope – North-east Elevation	Stanisic Associates	17.02.12
DA28 Building Envelope – North-west Elevation	Stanisic Associates	17.02.12
DA29 Building Envelope – West Elevation	Stanisic Associates	17.02.12
DA30 Building Envelope – South-west Elevation	Stanisic Associates	17.02.12
DA31 Building Envelope – South-east Elevation	Stanisic Associates	17.02.12
DA32 3D Envelopes	Stanisic Associates	17.02.12

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) MATTERS NOT APPROVED

The following items are not approved and do not form part of this Stage 1 development consent:

- (a) any demolition, construction, refurbishment and/or excavation;
- (b) the 'locking in' of car parking rates. The Stage 2 DA is to be designed with regard to the car parking rates within the planning controls relevant at the time; and

- (c) the layout, unit mix and number of residential dwellings, car parking spaces and basement levels.

(3) BUILDING ENVELOPE

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved building envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the approved building envelopes must be justified through the Stage 2 Development Application process.

(4) ELECTRICITY SUBSTATION

The substation at the south-eastern corner at the future intersection of Ebsworth Street and Tweed Place shall be relocated along Tweed Place away from the intersection so that it is not readily visible from Ebsworth Street and is not within any landscaped area.

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site for the (relocated) substation.

(5) THROUGH-SITE LINK

Opportunities to express the through-site link to the sky shall be reviewed and documented in the Stage 2 DA documentation.

Alternatively, the Stage 2 DA documentation is to increase the height of the through-site link or modulate the top of the street wall to reduce the bulk. This may be achieved by removing 2-3 storeys from Levels 7, 8 and 9 above the through-site link.

Details of the through-site link are to be submitted with the Stage 2 DA. These details are to include:

- (a) levels;
- (b) easements and future restrictions;
- (c) design of the space; and
- (d) lighting.

(6) LOCATION OF DRIVEWAY

Vehicular access to the site shall be located along the future Tweed Place 45m from the centreline of the future Ebsworth Street.

(7) BUILDING HEIGHT

The maximum height of the Stage 2 Development Application buildings, as defined in the South Sydney Local Environmental Plan 1998 (as may be amended), must not exceed a maximum podium RL of 51.5 and a maximum tower RL of 75.

(8) PUBLIC DOMAIN PLAN

The public domain plans accompanying this Development Application have not been approved by this consent. A Public Domain Plan must be lodged with the Stage 2 DA. The Public Domain Plan must be prepared in accordance with the City of Sydney Public Domain Manual and must be consistent with the Sydney Streets Design Code.

If staging of the public domain works is proposed, this is to be detailed in the Stage 2 DA submission.

(9) PROPERTY BOUNDARY LEVELS

The ground level of the development must correspond with the Green Square Town Centre Essential Infrastructure design (including road, footway, drainage and overland flow designs and levels) and be in accordance with Council's Alignment Level requirements.

The level difference between any ground floor level and the adjacent public footpath level shall not exceed 1200mm.

The Stage 2 DA must demonstrate compliance.

(10) FLOOD PLANNING LEVELS

Floor levels for buildings and structures for the development are to comply with the City of Sydney's Flood Planning level requirements and the recommendations outlined in the Flood Impact Assessment report by Cardno dated November 2012. Plans and documentation are to be submitted with the Stage 2 DA.

The following performance criteria shall apply:-

- (a) All habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% average exceedence probability (AEP) flood level;
- (b) Suitable freeboard protection shall be provided to lift shaft areas and other basement access points such as stairwells; and
- (c) All commercial/retail floor levels to be at a minimum 1% AEP flood level.

(11) STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT

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

The stormwater drainage design for the site must take into consideration and work with the overall drainage network proposed for Ebsworth Street and Tweed Place which forms part of the Green Square Town Centre Essential Infrastructure documentation.

(12) LANDSCAPING OF THE SITE

A detailed Landscape Plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted with the Stage 2 DA. The plan must include:

- (a) Location of existing and proposed structures on the site, including existing trees;
- (b) Details of earthworks including mounding, retaining walls and planter boxes;
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;
- (f) Details of the proposed green roofs; and
- (g) Details of the through-site link.

(13) BASEMENT EXTENT

The basement levels are to be wholly within the final property boundaries. No encroachment into the public domain or land under the public domain, including the building setbacks along Botany Road and Bourke Street, will be permitted at the Stage 2 DA.

(14) LANDSCAPE FINISH TO LAND TO BE DEDICATED TO COUNCIL

The landscape finish to the building setbacks along Botany Road and Bourke Street, and the future Civic Plaza, is to match the surrounding public domain area, and is to be in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Design Code.

Details of the landscape finish are to be submitted at the Stage 2 DA phase and approved by Council.

(15) INTEGRATED BASEMENT CAR PARKING

The Stage 2 DA is to allow for a break through panel on Basement Level 1 (retail carpark level) to future-proof for the possibility of integrated carparking basements with the site to the south-east.

(16) TWEED PLACE PODIUM ENVELOPE

The Stage 2 DA documentation must demonstrate that an active frontage (generally in the form of retail development) can be provided to the Tweed Place street edge. The courtyard shown along Tweed Place within the documentation accompanying this Development Application is not approved and must be replaced by a podium built to the boundary.

Ground level retail is to step with the grade of Tweed Place and the through-site link.

(17) EBSWORTH STREET SETBACK NOT APPROVED

The Stage 2 DA documentation must demonstrate that the Ebsworth Street frontage is built to the street boundary line at the ground level.

(18) STREET AWNINGS

Street awnings must be incorporated into the Stage 2 DA documentation.

(19) COMPLIANCE WITH ACOUSTIC REPORT

The recommendations contained in the Stage 1 Acoustic Report (Wilkinson Murray Report No. 10086, July 2010) are to be complied with as part of the Stage 2 DA.

(20) SITE AUDIT STATEMENT

A Site Audit Statement is to be prepared and lodged with the Stage 2 DA documentation which confirms that the site is suitable for the proposed land use.

(21) 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".

(22) BICYCLE PARKING

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

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

The design and layout of the bicycle parking spaces is to be provided for approval as part of the Stage 2 application.

(23) CAR PARKING SPACES AND DIMENSIONS

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 design and layout of the car parking spaces is to be provided for approval as part of the Stage 2 application.

(24) COST OF SIGNPOSTING

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

(25) HOLDING AREAS

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway.

The details must be provided for approval as part of the Stage 2 application.

(26) LOADING WITHIN SITE

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

The details must be provided for approval as part of the Stage 2 application.

(27) LOCATION OF ACCESSIBLE CAR PARKING SPACES

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

The details must be provided for approval as part of the Stage 2 application.

(28) LOCATION OF DRIVEWAYS

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

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

The details must be provided for approval as part of the Stage 2 application.

(29) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance.

The details must be provided for approval as part of the Stage 2 application.

(30) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

(31) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(32) 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.

The details, including a swept path analysis of the largest vehicle entering, exiting and manoeuvring within the site, must be provided for approval as part of the Stage 2 DA.

(33) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with Roads and Maritime Services (RMS) Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(34) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces 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.

All small car spaces must be clearly marked and identifiable as small car spaces. The details must be provided for approval as part of the Stage 2 application.

(35) 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 provided for approval as part of the Stage 2 application.

(36) TRAFFIC GENERATION

The Stage 2 application's traffic report must include an assessment of the AM peak, PM peak and 24 hour traffic generation from the site.

(37) OFFICE OF WATER - GENERAL TERMS OF APPROVAL

The Stage 2 DA shall have regard to the attached General Terms of Approval issued by the NSW Office of Water dated 14 November 2012.

RAILCORP CONDITIONS**(38) REVISED IMPACT ASSESSMENT REPORT**

Prior to the lodgement of any subsequent Development Application for the subject site, the applicant is to submit to RailCorp for review a revised version of the document "Newell Development Site – Green Square Station, Alexandria – Report of Site Investigation and Analysis of Potential Impact of Proposed Building Development – Ref: 279849 – Date: 24 February 2001" which meets RailCorp's requirements. This revised document is to include, but not limited to, the following:

- (a) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements;
- (b) Final Groundwater Assessment Report;
- (c) Final construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Railcorp will not permit any rock anchors/bolts (whether temporary or permanent) or physical intrusion of piers/piles/foundations within its land or easements;
- (d) An assessment of the impact or any movement on the rail tunnel that may result from the proposed development. This report is to be based on the Final Geotechnical and Structural Report;
- (e) Final cross sectional drawings showing the tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor;
- (f) Detailed Survey Plan showing the relationship of the proposed development with respect to RailCorp's land and infrastructure; and
- (g) If required by RailCorp, a numerical analysis which assesses the different stages of loading-unloading of the site and its effects on the rock mass surrounding the rail corridor.

(39) ACOUSTIC ASSESSMENT

An acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines" shall be lodged with the Stage 2 DA documentation.

ROADS AND MARITIME SERVICES CONDITIONS**(40) NO STOPPING RESTRICTION**

Full time 'No Stopping' parking restriction shall be implemented on Botany Road along the full length of the subject site.

(41) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan detailing construction vehicles routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate for the Stage 2 DA.

(42) CONSTRUCTION VEHICLE ACCESS

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(43) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven into and from the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

(44) DETAILED DESIGN DOCUMENTATION

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- (a) The impact of excavation/rock anchors on the stability of the Botany Road and detailing how the carriageway would be monitored for settlement;
- (b) The impacts of the excavation on the structural stability of the Botany Road;
- (c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

(45) STORMWATER DISCHARGE

The post development stormwater discharge from the site into the RMS drainage system does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works, ph: 8849 2114 or Fax: 8849 2766.

(46) COMPLIANCE WITH AUSTRALIAN STANDARDS

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, lifts, 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.

(47) NO COST TO RMS

All works associated with the development are to be at no cost to the RMS.

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 6 DEVELOPMENT APPLICATION: 13 JOYNTON AVENUE ZETLAND (D/2012/1061)

The following person addressed the meeting of the Central Sydney Planning Committee - Ms Janet Howse.

Moved by Mr McGaffin, seconded by Mr Webster -

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

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION

The consent allows construction works to be broken into 5 stages, as follows:

- (a) **Stage 3A – Early Works Stage (for Buildings A1 and A2)**
 - (i) Excavation and shoring of the Stage 3 component of the integrated basement level beneath the footprint of Buildings A1 and A2; and
 - (ii) Piling and piering of in-ground substructures.
- (b) **Stage 3B (Buildings A1 and A2)**
 - (i) Construction and line-marking of Stage 3 component of integrated basement level beneath Buildings A1 and A2 (as detailed on Drawing numbered DA101-3 Revision A, prepared by Stanisic Associates Architects, dated 22 November 2012);
 - (ii) Construction of vehicular access ramp to Lamond Lane;
 - (iii) Construction of Buildings A1 and A2; and
 - (iv) Construction and landscaping of the southern component of the central communal courtyard adjacent to Buildings A1 and A2.
- (c) **Stage 4A – Early Works Stage (for Buildings B and E)**
 - (i) Excavation and shoring of the Stages 4 and 5 component of the integrated basement level beneath the footprint of Buildings B and E; and
 - (ii) Piling and piering of in-ground substructures.
- (d) **Stage 4B (Building B)**
 - (i) Construction of Stages 4 and 5 component of integrated basement level beneath Building B (as detailed on Drawing numbered DA101-4 Revision A, prepared by Stanisic Associates Architects, dated 22 November 2012);
 - (ii) Construction of vehicular access ramps to Joynton Avenue;
 - (iii) Fit-out and line-marking of Stage 4 component of the integrated basement level;
 - (iv) Construction of Building B; and
 - (v) Construction and landscaping of the central component of the communal courtyard and paved entry forecourt in the southeastern corner of the site.
- (e) **Stage 5 (Building E)**
 - (i) Site preparation works;
 - (ii) Fit-out and line-marking of the final (Stage 5) component of integrated basement level beneath Building E (as detailed on Drawing numbered DA101-5 Revision A, prepared by Stanisic Associates Architects, dated 22 November 2012);

- (iii) Construction of Building E; and
- (iv) Construction and landscaping of the northern component of the central communal courtyard.

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/1061, dated 16 July 2012, and the following drawings:

Drawing Number	Architect	Date
DA101-1 Revision A Basement Plan	Stanisic Associates	22 November 2012
DA101-2 Revision A Basement Tiling Staging Plan	Stanisic Associates	22 November 2012
DA102 Revision A Ground Level Plan	Stanisic Associates	22 November 2012
DA103 Revision A Level 1 Plan	Stanisic Associates	22 November 2012
DA104 Revision A Level 2 Plan	Stanisic Associates	22 November 2012
DA105 Revision A Level 3 Plan	Stanisic Associates	22 November 2012
DA106 Revision A Level 4 Plan	Stanisic Associates	22 November 2012
DA107 Revision A Level 5 Plan	Stanisic Associates	22 November 2012
DA108 Revision A Level 6 Plan	Stanisic Associates	22 November 2012
DA109 Revision A Level 7 Plan	Stanisic Associates	22 November 2012
DA110 Revision A Level 8 Plan	Stanisic Associates	22 November 2012
DA111 Revision A Level 9 Plan	Stanisic Associates	22 November 2012

Drawing Number	Architect	Date
DA112 Revision A Roof Plan	Stanisic Associates	22 November 2012
DA201 Revision A East Elevation (Joynton Ave) Section AA/West (Courtyard)	Stanisic Associates	22 November 2012
DA202 Revision A South Elevation (Lamond Lane) Section BB/North (Courtyard)	Stanisic Associates	22 November 2012
DA203 Revision A South East/South West (Lamond Lane) North West/East (Courtyard)	Stanisic Associates	22 November 2012
DA204 Revision A Section JJ, KK, LL, MM, NN Buildings A1 and A2	Stanisic Associates	22 November 2012
DA205 Revision A Section CC, DD, EE, FF, GG, HH Buildings B & E	Stanisic Associates	22 November 2012

and as amended by the conditions of this consent:

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

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The developer's works (public domain improvement works) for Stages 3 to 5 of the development as stipulated within the Voluntary Planning Agreement, as amended, shall be provided prior to the issue of any Occupation Certificate for construction Stages 3B, 4B and 5.

(4) ADAPTABLE APARTMENTS

Prior to the issue of a Stage 3B Construction Certificate, amended plans shall be submitted to and approved by Council's Director City Planning, Development and Transport to illustrate the provision of 31 adaptable units within the development (being Stages 3 to 5).

(5) DESIGN MODIFICATIONS

The design of the development must be modified as follows:

Retail Tenancy in Building A2:

- (a) Amended plans shall be submitted to modify the design and external appearance of the retail tenancy located on the ground and first floors of the southeastern corner of Building A2. The modified scheme must consider the following matters:
 - (i) A reduction in the height of the front fence of the tenancy and/or use of a more translucent material to improve visibility to the tenancy from Lamond Lane;
 - (ii) Deletion of the first floor level southern elevation balcony; and
 - (iii) Modified facade treatment of the southern elevation at both ground and first floor level to distinguish this tenancy as a retail/commercial unit.

Basement Car Park:

- (b) Amended plans shall be submitted of the basement car parking level to provide a total of 9 visitor car parking spaces for Stages 3 to 5. This shall be achieved by:
 - (i) Deletion of 1 adaptable parking space (as required by Condition 4) and conversion of this space to a standard residential parking space;
 - (ii) Conversion of 2 accessible visitor parking spaces to standard visitor parking spaces; and
 - (iii) Conversion of the 2 'shared zones' between the accessible visitor spaces (as detailed in (ii) above) to standard visitor parking spaces.

Roof Terraces in Building E:

- (c) Amended plans shall be submitted to modify the accessible area of the roof terrace shown on the Level 9 plan of Building E. The balustrade on each of the eight roof terraces is to be set back 1.5 metres from the western edge of the building facing Building D.

External Colour Scheme:

- (d) The final colours of all external elements of all buildings are not approved and are to be submitted to Council for approval following consultation with the Director City Planning, Development and Transport.

The amended plans shall be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 3B Construction Certificate being issued.

(6) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes and glazing must be in accordance with the materials schedule and

sample board, and specifications prepared by Stanisic Associates Architects, dated 29 May 2012.

(7) DESIGN QUALITY EXCELLENCE

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

(8) BUILDING HEIGHT

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

	RL to the top of the lift overrun or roof – top canopy	RL to the roof level of the building
Building A1	39.60	38.30
Building A2	45.90	44.65
Building B	46.30	42.75
Building E	52.90	49.30

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

(9) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope. Should the plant exceed the approved building envelope, then further approval is required from Council.

(10) STREET TREES TO BE RETAINED

No approval is granted or implied for the removal of any of the trees listed in the following table:

Tree No:	Botanical Name	Location
2	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
3	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
3a	Ficus rubiginosa	Street tree (Joynton Ave)
4	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
5	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
6	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
7	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
8	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
9	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
10	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)
11	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)

(11) USE - SEPARATE DA REQUIRED

A separate development application for the fit-out and use of retail tenancies located in Buildings A2 and B must be submitted to and approved by Council prior to that fit-out or use commencing.

(12) USE OF COMMON AREAS AND FACILITIES

The central landscaped courtyard must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

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

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

The contribution for each stage is detailed as follows:

Stage 3A Contribution:

The contribution is \$952,301.61 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area of 6,948sqm and a contribution rate for non-residential development at \$45.51 per square metre of total non-residential floor space of 75sqm. Contributions will be indexed in accordance with the formula set out below.

Stage 4A Contribution:

The contribution is \$937,869.98 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area of 6,824sqm and a contribution rate for non-residential development at \$45.51 per square metre of total non-residential floor space

of 130sqm. Contributions will be indexed in accordance with the formula set out below.

Stage 5 Contribution:

The contribution is \$1,011,847.13 based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area of 7,409sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued for that stage or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2012 to 28 February 2013, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

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

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

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

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

(c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.

- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI}_2 / \text{HPI}_1$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI_2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI_1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent (1 March 2012 to 28 February 2013).

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

(14) 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 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 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 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.

(15) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

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

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

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

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners Corporation.

(18) CAR PARKING SPACES AND DIMENSIONS

A maximum of 159 off-street car parking spaces must be provided for Stages 3 to 5, in the following configuration:

Stage	Number of parking spaces
Stage 3B	57
Stage 4B	52
Stage 5	50

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 for that stage must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued for Stages 3B, 4B and 5.

(19) BICYCLE PARKING

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

(20) ACCESSIBLE PARKING SPACES

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 for Stages 3B, 4B and 5.

(21) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces 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.

(22) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces 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 building visitors.

(23) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

(25) LOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(26) INTERCOM FOR VISITORS

Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

(27) VEHICLE ACCESS

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

(28) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way.
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

(29) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(30) LOADING WITHIN SITE

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

(31) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee prior to any work commencing on site.

(32) 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".

(33) COST OF SIGNPOSTING

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

(34) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Interim Remedial Action Plan, prepared by Cronos Corporation Pty Ltd, dated 3 February 2005 (report no. E350.1 AE) and the "Interim Advice" letter from NSW EPA Accredited Site Auditor, Mr J.M Nash (Referenced Audit No DP/064, project No 37670), dated 15 February 2005.
- (b) As detailed within the Interim Remedial Action Plan, prepared by Cronos Corporation Pty Ltd, dated 3 February 2005 (Report no. E350.1 AE, section 1.0, 4.3, 5.0 and 6.0), a Final Site Specific Remedial Action Plan is to be submitted to Council for review and approval when further testing of the site has been completed following demolition. The site is to be remediated and validated in accordance with the approved Final Site Specific Remedial Action Plan. Interim advice letter also required here.
- (c) A letter of Interim Advice from an accredited NSW EPA Site Auditor must be submitted with the Final Site Specific Remedial Action Plan advising the site is suitable for the proposed use or capable of being made suitable for the proposed use following remediation.

(35) SITE AUDIT STATEMENT

- (a) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation), a Site Audit Statement (SAS) from a NSW EPA Accredited Site Auditor 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.
- (b) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and approved by Council before the SAS is issued.
- (c) Any remediation work carried out shall be conducted in accordance with the criteria detailed in Appendix 3 of the City of Sydney Contaminated Land Development Control Plan 2004 and the guidelines in force under the Contaminated Land Management Act 1997.
- (d) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part 1 Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that

cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of Industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(36) COMPLIANCE WITH GEOTECHNICAL REPORT

The proposed development must comply with the Geotechnical Report, prepared by Douglas Partners, dated 13 November 2010, Project No. 72102.00.

(37) NOISE - MECHANICAL PLANT AND EQUIPMENT

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" - DEC (EPA) AS1055 for sound level measurements.

(38) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(39) NOISE - USE

General criteria:

- (a) The emission of noise associated with the use of the premises, including the operation of any mechanical plant and equipment shall comply with the following criteria:

- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (iii) The LAeq,15minute noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- (iv) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq, 15minute when the use is not in operation.
- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

(b) Internal to internal noise transmission – residential amenity

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

- (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead;
- (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iii) The LA90, 15 minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

(40) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

(41) REFLECTIVITY

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.

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.

(42) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

Demolition or excavation must not commence until a Construction Certificate has been issued.

(43) SYDNEY AIRPORT REFERRAL

Prior to the issue of a Stage 3B Construction Certificate, the applicant is to obtain approval from the Sydney Airports Corporation Limited and other relevant air safety authorities and submit the relevant documentation to Council.

(44) 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.

(45) SECTION 39 RESTRICTION

If the inclusion of utility lots within any future Strata subdivision of the buildings is to be accepted by Council, the provisions of Section 39 of the Strata Schemes (Freehold Development) Act 1973 are to be exercised over those lots in the Strata Plan to create the statutory Restriction on Use of the car parking and storage spaces.

(46) PARKING ON COMMON AREAS

No part of any common areas, apart from 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.

(47) TREE PROTECTION ZONE

- (a) Before the commencement of works, a Tree Protection Zone/s (TPZ) must be established around all tree/s to be retained not less than the distance indicated in the TPZ schedule below. Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

Tree Protection Zone Schedule:

Tree No	Species Name	Location	Radius (m) from Trunk	Incursion Area
2	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	15.0	10m setback zone along eastern site boundary
3	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	10.8	10m setback zone along eastern site boundary
3a	Ficus rubiginosa	Street tree (Joynton Ave)	3.6	3.6 metres
4	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	11.3	10m setback zone along eastern site boundary
5	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	10.9	10m setback zone along eastern site boundary
6	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	12.1	10m setback zone along eastern site boundary
7	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	14.9	10m setback zone along eastern site boundary
8	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	10.8	10m setback zone along eastern site boundary
9	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	11.5	10m setback zone along eastern site boundary
10	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	14.8	10m setback zone along eastern site boundary
11	Ficus microcarpa var. Hillii	Street tree (Joynton Ave)	15.0	10m setback zone along eastern site boundary

- (b) Please refer to the Arboricultural Assessment Comprehensive Report, prepared by Urban Tree Management, dated 24 July 2002 for tree numbers and locations. (Please note Tree 3a is not included in this report, however this tree is located directly opposite Austin Grove).
- (c) The following works shall be excluded from within the 10m setback zone:
- (i) Soil cut or fill including excavation and trenching (except for the localised siting of piers);

- (ii) Soil cultivation, disturbance or compaction;
 - (iii) Stockpiling storage or mixing of materials;
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (v) The disposal of liquids and refuelling;
 - (vi) The disposal of building materials;
 - (vii) The sitting of offices or sheds; and
 - (viii) Any action leading to the impact on tree health or structure.
- (d) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework; and
 - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council.
- (e) 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 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(48) TREE PROTECTION FENCING

- (a) Tree Protection Fencing shall be erected within the site along the 10 metre setback zone following demolition of existing buildings.
- (b) The fencing shall be a 1.8 metres high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be damaged during the establishment or maintenance of the fencing.
- (c) Kept free of weed and grass for the duration of works.
- (d) Mulch installed / maintained to a depth of 75mm for the duration of works.
- (e) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site.
- (f) The area within the TPZ under the canopies of trees numbered 7-10 may be used as a car park initially while the existing concrete is retained. Fencing must be erected as described above following the removal of the concrete and prior to any construction activities.

(49) SERVICES

- (a) Any trenching works for services / hydraulics / drainage etc must not be undertaken within a Tree Protection Zone (TPZ), and be referred to the Site Arborist with regard to tree protection, prior to commencement of any works.
- (b) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services adjacent to the specified TPZ.

(50) ARBORICULTURAL IMPACT ASSESSMENT

- (a) The Arboricultural Assessment Comprehensive Report, prepared by 'Urban Tree Management' dated 24 July 2002 is out-dated and must not be relied upon for any information other than tree numbers and locations.
- (b) An updated Arboricultural Impact Assessment (AIA) must be submitted to and approved by Council prior to the issuing of any Construction Certificate. The report must reflect current industry practices, with particular reference to the Australian Standard 'Protection of Trees on development site' (AS4970-2009) and must include:
 - (i) A detailed list of all trees listed for retention as detailed in Condition 10 above;
 - (ii) The AIA shall conform with the TPZ distances detailed in Condition 46 above;
 - (iii) The AIA report shall be updated to include Tree 3a;
 - (iv) An assessment and discussion of the likely impacts the proposed development will have on the trees. This should include above and below ground constraints on trees that should be retained;
 - (v) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term;
 - (vi) A 'Pruning Schedule' (size of branches, location, extent of pruning) of any trees if relevant or if required to accommodate any construction activities. Pruning of any trees must not exceed more than 5% of the total live canopy area;
 - (vii) 'Methodology Statement for demolition of existing buildings and construction of new buildings' (tree protection from cranes, piling, rigging, hoardings, scaffoldings, etc.) - that describes how the existing buildings will be demolished and any likely impacts on trees, construction method for new buildings and recommendations on how to minimise any impacts on trees listed for retention;

- (viii) 'Methodology Statement for demolition of existing surface material' (concrete) - detailing sensitive removal of the existing concrete from underneath the canopy of trees 7-10, to ensure the protection of the root systems; and
- (ix) 'Methodology Statement for installations of the boardwalk, driveway crossovers and any landscaping' located within the 10m setback zone.

(51) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations contained Tree Protection, Pruning Specifications and Methodology Statements contained in the approved Arboricultural Impact Assessment & Methodology Statement as required by Condition 52 must be implemented during the demolition, construction and use of the development.

(52) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
 - (i) Inductions of construction staff into tree sensitive practices and prohibited practices within the Tree Protection Zone (TPZ);
 - (ii) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of any Construction Certificate;
 - (iii) During demolition of any existing buildings within the TPZ of any tree listed for retention;
 - (iv) Erection of protective fencing;
 - (v) Removal of concrete from TPZ of Trees 7-10, as per the approved method statement, to be submitted;
 - (vi) Pruning of the Fig Tree canopies, as per the approved pruning schedule, to be submitted;
 - (vii) During any excavation, trenching and construction activities within the Tree Protection Zone of any tree listed for retention;
 - (viii) During any Landscape works within 10 metres of the trunk of any tree listed for retention.
- (b) A monthly report must be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone, detailed above;

- (ii) Details of any other work undertaken on any tree(s) to be retained or within TPZs;
- (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(53) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate demolition of existing buildings, hoardings, scaffolding, the loading/unloading of vehicles, and/or driveway crossover and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(54) STREET TREE BOND

- (a) A \$60,000 bond for each of the 7 mature Fig trees (*Ficus microcarpa* var. *Hillii*) numbered 4-10 and a \$5,000 bond for the Fig tree (*Ficus rubiginosa*) numbered 3a located on Joynton Avenue shall be lodged with Council to ensure the retention and protection during demolition/construction and adaptation to the altered environment of the tree(s) on the endorsed plans to be retained.
- (b) The applicant shall lodge the bond with Council prior to the issuing of individual Construction Certificate(s) related to those buildings deemed by Council to affect the Fig trees for each stage.
- (c) The applicant shall be responsible for the health and condition of the Fig trees ("*Ficus microcarpa* var. *Hillii*") the smaller Fig tree (*Ficus rubiginosa*) numbered 3a located on Joynton Avenue, Zetland during Stages 3, 4 and 5. In the event that at completion of Stages 3, 4 and/or 5, Council's Tree Management Officer determines that the existing trees have been damaged/destroyed (by activities associated with any Development Application related to the subject site) to a value in excess of the retained bond the applicant shall lodge the excess to Council and to an amount determined by Council's Tree Management Officer.
- (d) The bond amount for each stage will be retained for a minimum period of 12 months from the date of a Final Occupation Certificate. At this time, a further inspection will be undertaken by the Consulting Arborist engaged throughout the demolition/construction phases of the development. The Consulting Arborist is to submit an Arboricultural Report to Council at the expiry of each bond period and prior to the bond being refunded. If the report indicates that the tree/s require remedial works, the City's Tree Management Officer will assess the recommendations and determine any works prior to their execution by the Consulting Arborist.
- (e) The following formula will be used for the retention of all or part of the tree bond/s:

- (i) An initial breach of any tree protection condition – 20% of total bond for each tree;
- (ii) A second of continuing breach of any tree protection condition – 40% of total bond for each tree;
- (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site; and
- (iv) Death of any protected trees due to non-compliance with the tree protection conditions – Total 100% of total bond for particular tree/s and possible legal action by Council.

(55) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA).

(56) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)

Prior to the issue of each Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of Council (where Council is the Certifying Authority).

(57) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issuing of any Construction Certificate, a Geotechnical inspection report/certificate confirming that the development site is suitable for the proposed development must be provided to Council (if Council is the certifying authority). The certificate must be in accordance with Clause A2.2(a)(iii) of the Building Code of Australia and be prepared by an appropriately qualified person.

(58) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed new building work must comply with the recommendations of the BCA Assessment Report (Project No. 120183) - Emerald Park (Stage 3, 4 +5) Building A1,A2, B & E, dated 26 June 2012, and prepared by Blackett Maguire + Goldsmith.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternate 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 this condition are not an exhaustive list of non-compliances 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 the development approved in this consent.

(59) 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.

(60) ANNUAL FIRE SAFETY STATEMENT FORM

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

(61) 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. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Principal Certifying Authority.

(62) WASTE AND RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(63) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL/COMMERCIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council prior to a Stage 3B 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.
- (b) 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

- (c) Prior to an Occupation Certificate being issued for Stage 3B 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.

(64) GARBAGE ROOM

The garbage room is to be constructed in accordance with City of Sydney's policy for Waste Minimisation in New Developments and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

(65) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an Occupation Certificate being issued for Stages 3B and 4B and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

(66) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(67) EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iii) A Waste Management Plan for the excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.

- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

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

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

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

(69) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 904 Bourke Street, 15-17 Merton Street, 100 Joynton Avenue and 9 Grandstand Parade, Zetland 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.

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

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- (a) Prior to any Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.

- (d) Prior to issue of a final Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning, Development and Transport.

(71) 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 Australian Association of Acoustic Consultants.

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

- (a) identification of noise sensitive receivers near to the site.
- (b) a prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

- (c) a representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) confirmation of noise 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.

(72) COMPLIANCE WITH EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

The development must comply with the approved Demolition, Excavation and Construction Noise Management Plan.

(73) COMPLAINTS - NOISE

Should noise complaint be received by Council from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until "attenuation works" are carried out so as that the premises complies with the relevant Noise conditions.

(74) FOOTPATH DAMAGE BANK GUARANTEE

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

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.

(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. 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.

(76) 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.

(77) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

(78) 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".

(79) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) 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.

(80) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(81) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

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

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(82) LANDSCAPING OF THE SITE

- (a) The Landscape Plan accompanying this Development Application has not been approved by this consent.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Stage 3B Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);

- (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (c) Prior to the issue of a Stage 3B 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.
- (d) All landscaping in the approved plan is to be completed prior to each Occupation Certificate being issued for Stages 3B, 4B and 5.

(83) NOMINATED ENGINEERING WORKS SUPERVISOR

- (a) Prior to issue of the a Construction Certificate for Stages 3A, 4A and 5, the developer shall give Council written notification of the appointment of either:
- (b) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
- (c) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or
- (d) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.
- (e) On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(84) BOARDWALK AND LANDSCAPED SETBACK ON JOYNTON AVENUE

The submitted boardwalk design and landscaped setback accompanying this Development Application has not been approved by this consent.

The submitted design shall be modified to consider the following:

- (a) Location of existing and proposed structures on the site including trees, lighting, storm water and other services (if applicable);
- (b) Details of proposed levels and site grading including temporary surface treatments (if applicable);
- (c) Galvanised steel support structure (including posts);

- (d) Footings that extend 150mm below the drainage layer;
- (e) Load bearing capacity to a maximum of 6 tonnes to allow for service vehicles;
- (f) A boardwalk surface material that is -
 - (i) durable and hard wearing;
 - (ii) compliant with AS 1428; and
 - (iii) heelguard and bicycle safe
 - (iv) slip resistant to AS/NZS 4586:2004 (and amendments);
- (g) Safety and access requirements to AS 1428 (including where required handrails, fencing, kerbs and tactile ground surface indicators);
- (h) Lockable hinged lids to the boardwalk surface at the locations of the drainage pits (pit covers to suit Korum type);
- (i) Finish flush with the adjacent pavement surfaces to avoid trip hazards at interface with:
 - (i) paved footways;
 - (ii) vehicular crossings;
 - (iii) building/courtyard entrances;
- (j) Lighting;
- (k) Locations of stormwater outlets from the property;
- (l) 200mm of silt arrestor within the property boundary prior to discharge into swale;
- (m) Rip rap treatment at discharge point;
- (n) Subsoil drainage;
- (o) Details of biofiltration and soil material with -
 - (i) an unlined swale with appropriate waterproofing treatment to the basement wall;
 - (ii) no planting beneath boardwalk;
 - (iii) inert filter medium beneath the boardwalk to suppress weed growth; and
 - (iv) widened base of swale to 1.5m on roadside of boardwalk and suitable rain garden planting within this zone;
- (p) Location, numbers and type of plant species noting -

- (i) planting to rain gardens shall be minimum tubestock to an approximate mature height of 500-750mm;
 - (ii) planting density of 4-6 plants per square metre depending on pot size and species
 - (iii) preference for native grasses, sedges or rushes that can withstand periodic inundation;
- (q) Details of planting procedure and maintenance; and
- (r) Tree root protection zones for the existing fig trees.

A statement of compliance with AS 1428 prepared by a qualified Access Consultant is to be submitted with the documentation. The Boardwalk design documentation is to be certified by a practicing Structural Engineer.

The applicant to provide written confirmation through a structural/geotechnical engineer that the water draining from the rain garden/swale will not affect the footings of the proposed buildings.

Detailed documentation of the boardwalk and associated landscaped setback must be submitted to and approved by the City as required by the Voluntary Planning Agreement (as amended) prior to the issue of the Construction Certificates for Stages 4B and 5.

(85) TEMPORARY FOOTWAY CONNECTIONS

Where the development is delivered in the stages, resulting in the partial delivery of the Joynton Avenue boardwalk, temporary footways connecting the boardwalk to the existing footway shall be provided to the approval of the City. The design of any temporary footway shall be in accordance with the City's Sydney Streets Design Code, or as otherwise directed by the City and maintain accessibility in accordance with AS1428. All costs associated with the construction and future removal of the temporary footway shall be borne by the Developer.

(86) TEMPORARY VEHICLE FOOTWAY CROSSING

No additional temporary driveways are approved with this consent, except those already approved under earlier stages of the development.

A separate application is to be made to, and approved by, Council for the construction of any proposed temporary vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: Any such application is to be lodged in conjunction with the Public Domain requirements.

(87) SITE RECTIFICATION

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 \$2,525,000.00 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$2,525,000.00 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (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.

(88) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(89) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(90) ACOUSTIC PRIVACY BETWEEN UNITS

The development must be designed and constructed to satisfy the requirements of the Sydney DCP 2012 acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the certifying authority prior to the issue of a Construction Certificate, and must be suitable referenced in the Construction Certificate documentation.

The report must:

- (a) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
- (b) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Central Sydney DCP.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of an Occupation Certificate.

(91) AIRCRAFT NOISE

The building must meet the requirements of AS2021 in relation to interior noise levels.

(92) FLOOR TO CEILING HEIGHT

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.

(93) RESIDENTIAL INTERNAL NOISE DESIGN CRITERIA-GREEN SQUARE SPECIAL PRECINCT

- (a) A noise assessment shall be undertaken to determine recommendations for design and construction of the development ensuring acoustic amelioration against noise intrusion from road traffic, aircraft, industrial uses and vibration arising from the Airport Link Railway.

The noise assessment shall include:

- (i) Undertaking a noise survey at two representative locations on the site to which the development relates, during a four week survey period to determine the mean logarithmic L_{Aeq} (1 hour).
 - (ii) Quantifying the Rating Background Level (RBL)
 - (iii) Recommendations for acoustic mitigation measures required to be incorporated into building design to ensure compliance with the daytime and night time indoor design goals contained within the South Sydney Development Control Plan 1997: Urban Design-Part G: Special Precinct No.9 Green Square.
- (b) A noise report containing details of the assessment and recommendations shall be submitted to the certifying authority prior to the issue of a Stage 3B, 4B and 5 Construction Certificate (CC) and shall be suitably referenced in the CC documentation. The measures shall be installed and maintained.

(94) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the City of Sydney Access DCP 2004.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

(95) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia and City of Sydney Access DCP 2004;
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

is to be submitted to the Certifying Authority.

(96) PHYSICAL MODELS

- (a) Prior to a Stage 3B, 4B and 5 Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

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

(97) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to a Stage 3B, 4B and 5 Construction Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) property boundaries and the kerb lines adjacent to the site.

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

- (c) Within the DGN **or** DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.
- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandLodgingaDA.asp. Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (e) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

(98) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

(99) CAR PARK VENTILATION

The car park must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

(100) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, 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.

(101) MICROBIAL CONTROL

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

(102) AIR HANDLING

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

(103) CONTROL OF LEGIONNAIRES DISEASE

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

(104) NOISE CONTROL VERIFICATION

- (a) An acoustic verification report must be submitted to the Principal Certifying Authority (PCA) prior to Construction 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 Australian Association of Acoustic Consultants outlining all central services mechanical plant and equipment installed within the development.

- (b) The report must also confirm that resultant operational noise levels from the mechanical plant and equipment is in compliance with the "Noise Use - General" condition which forms part of this consent when operating to maximum capacity at the most noise sensitive time of the day.

(105) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- (e) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (f) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (g) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (h) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- (i) The site notice board must include the following:
 - (i) contact person for the site;
 - (ii) telephone and facsimile numbers and email address; and

- (iii) site activities and time frames.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(106) 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.

(107) RIGHT OF PUBLIC ACCESS

Prior to the issue of an Occupation Certificate for Stage 3B, a documentary Right of Public Access is to be created over the Through-site link within the site, shown as "Public Pedestrian Way" on the approved drawings, pursuant to the provisions of the Conveyancing Act 1919 and registered on Title of the subject land.

The Right of Public Access is to burden the affected part of the site, from Lamond Lane northerly to the Stage 2/Stage 3 subdivision boundary and is to be defined in stratum, limited in depth to approximately the top of the basement car parking structure and created in appropriate terms granting unrestricted public pedestrian access, without cars and vehicles, exclusive of bicycles and wheelchairs and other aids for the disabled and with guide dogs for the visually or hearing impaired, and granting rights for access by Council's domestic waste collection/compaction vehicles, and is to be created appurtenant to and to the satisfaction of Council.

(108) POSITIVE COVENANT

Prior to the issue of an Occupation Certificate, a documentary Positive Covenant is to be registered on the Title of the subject land, pursuant to the provisions of the Conveyancing Act 1919 and appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the rights granted by the Right of Public Access and the use of the Through-site link and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, repair, upkeep and lighting of the Through-site link, in accordance with the requirements and to the satisfaction of Council.

(109) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

(110) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed

development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(111) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(112) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au 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 or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(113) PROTECTION OF STREET TREES DURING CONSTRUCTION

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

Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

(114) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(115) CONTAMINATED WASTE

The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) New South Wales Occupational Health & Safety Act 2000.
- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) The Occupational Health & Safety Regulation 2001.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

(116) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(117) 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.

(118) NO OBSTRUCTION OF PUBLIC WAY

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

(119) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE - TIME RESTRICTION.

- (a) 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:
 - (i) 8:30am-12:30pm and 1:30pm-4:30pm Mondays to Saturday;
 - (ii) No work is permitted on Sundays or Public Holidays;

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with 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';
- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

(120) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(121) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(122) ENCROACHMENTS – PUBLIC WAY

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

(123) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(124) 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.

(125) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued for Stages 3B, 4B and 5, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the Policy on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

SCHEDULE 2

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

Carried unanimously.

ITEM 7 DEVELOPMENT APPLICATION: 110-118 BATHURST STREET AND 203 CASTLEREAGH STREET SYDNEY (D/2012/1023)

The following persons addressed the meeting of the Central Sydney Planning Committee - Mr Marcin Kreglicki and Ms Ozcan Ulu.

Moved by Councillor Mant, seconded by Mr Knowles -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
 - (i) The carrying out of works is not proposed or approved as part of this Stage 1 Development Application, which is conceptual in nature. Detailed matters in respect of on-site parking, driveway configuration and the like will be further addressed as part of the future Stage 2 Development Application;
 - (ii) The comment of Roads and Maritime Services was sought under the provisions of State Environmental Planning Policy (Infrastructure) 2007;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to the following conditions:

(1) APPROVAL OF ROADS AND MARITIME SERVICES

- (a) As requested by Roads and Maritime Services (RMS), the owners of the subject site must obtain the written approval of RMS under clause 100 of State Environmental Planning Policy (Infrastructure) 2007 prior to the activation of the consent.
- (b) It must be demonstrated that the approved development will not negatively impact on the Cross City Tunnel which is located beneath

the site. An investigation of the impacts of the approved development on the Cross City Tunnel is to include the following information:

- (i) Rock features, joints, clay seams, bedding planes, dykes and other defects should be identified and their effect on the Cross City Tunnel should be considered in the investigation/analysis.
 - (ii) Ground movements around the Cross City Tunnel, the stress and strain changes in the Cross City Tunnel structural elements (lining, water-proof membrane, anchors and bolts etc.) due to excavation and footing loads impacting on the tunnel should be predicted and a risk assessment carried out.
- (c) All requirements contained in the approval of RMS and the owners of the site must be included in any subsequent Stage 2 development application.
 - (d) Written approval from RMS must be submitted to Council prior to the activation of the consent;
- (C) evidence that those matters identified in deferred commencement conditions listed above must be submitted to Council within 24 months or the consent will lapse;
 - (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated in clause (B) above, have been satisfied; and
 - (E) upon Council giving written notification to the Applicant that the deferred commencement conditions in clause (B) above 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 1

(1) APPROVED DEVELOPMENT

Stage 1 development consent is granted only for a building envelope and general arrangement of uses within the development, being basement car parking, a retail/hotel podium and residential tower and restoration and commercial use of heritage listed Porter House, in accordance with Development Application No. D/2012/1023 dated 6 July 2012 and the following drawings:

Drawing Title	Architect	Date
Proposed Envelope 3D Model (1 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (2 of 5)	Tony Owen Partners	January 2013

Drawing Title	Architect	Date
Proposed Envelope 3D Model (3 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (4 of 5)	Tony Owen Partners	January 2013
Proposed Envelope 3D Model (5 of 5)	Tony Owen Partners	January 2013
Heritage Item – East Facade	Tony Owen Partners	January 2013
Heritage Item – Plan	Tony Owen Partners	January 2013
Ground Floor Envelope	Tony Owen Partners	January 2013
Level 1 Envelope	Tony Owen Partners	January 2013
Level 2 Envelope	Tony Owen Partners	January 2013
Level 3 - 8 Envelope	Tony Owen Partners	January 2013
Level 9 Envelope	Tony Owen Partners	January 2013
Level 10 - 33 Envelope	Tony Owen Partners	January 2013
Level 34 Envelope	Tony Owen Partners	January 2013
Level 35 Envelope	Tony Owen Partners	January 2013
Level 36 Envelope	Tony Owen Partners	January 2013

and as amended by the conditions of this consent:

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

(2) MATTERS NOT APPROVED

The following items are not approved and do not form part of this consent:

- (a) The request for a 5.8% uplift in floor space ratio;
- (b) Any demolition, construction, or excavation;
- (c) The layout and number of residential units, car parking spaces, basement levels and building storeys.

(3) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed design, including services, developed under any future Stage 2 development application shall be contained within the building footprint and envelope approved as part of this consent. Any modification of the envelope must be fully justified through the competitive design process and Stage 2 DA process.

(4) STAGE 2 DA/COMPETITIVE DESIGN PROCESS

- (a) The detailed design of the whole development shall be the subject of a Stage 2 development application.
- (b) The detailed design of the whole development shall be the subject of a competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012; and
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The competitive design process and Stage 2 development application must include the adjoining, heritage listed Porter House as part of the proposal.
- (e) The detailed design of the development must exhibit design excellence.

(5) EXPOSED ELEVATIONS

A visually interesting treatment is to be applied to the exposed side elevations along the northern and western boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.

(6) COMPLIANCE WITH ALL RELEVANT PLANNING PROVISIONS

It is expected that the future Stage 2 DA will comply with all relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. In particular, it is noted that the future Stage 2 DA will require consultation with the Roads and Maritime Services under State Environmental Planning Policy (Infrastructure) 2007.

(7) PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the Stage 2 development application. The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(8) LOCATION OF DRIVEWAY

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

- (a) 10 metres from the kerb line of the nearest cross street/lane;

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

Details shall be submitted with the Stage 2 Development Application.

(9) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

(10) PUBLIC ART

A public art strategy that nominates artists and potential locations for public art shall be submitted as part of the Stage 2 DA.

(11) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The combined Floor Space Ratio of the proposal and the Floor Space Ratio of the retained Porter House, must comply with the requirements of the Sydney Local Environmental Plan 2012.
- (b) The floor space in excess of a FSR of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(12) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The Stage 2 development should strive to achieve the highest possible ESD targets.

(13) WIND

The Stage 2 DA scheme shall be subject to physical wind tunnel testing in its context to ascertain the impacts of the development on the ground level wind environment and the wind conditions around Bathurst and Castlereagh Streets. Any future development must satisfy the requirements of the Sydney Development Control Plan 2012 in this regard.

(14) SIGNAGE STRATEGY

A detailed signage strategy for the whole development shall be submitted with the Stage 2 DA. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the building.

(15) SUBSTATIONS

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

(16) WASTE MINIMISATION

The Stage 2 DA shall comply with Sydney Development Control Plan 2012.

(17) CONSTRUCTION MANAGEMENT

The Stage 2 DA for the whole development shall be supported by a detailed construction management plan for the development.

(18) ACID SULPHATE SOILS

An Acid Sulphate Soils Management Plan must be prepared by a suitably qualified person in accordance with the 'Acid Sulfate Soils Assessment Guidelines' (ASSMAC August 1998), and submitted with the Stage 2 DA.

(19) ALIGNMENT LEVELS

- (a) The footpath alignment levels for the building must be submitted to Council for approval at Stage 2 Development Application stage. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work and be incorporated with the public domain plan which will be required as Construction certificate condition.

(20) FURTHER GEOTECHNICAL AND STRUCTURAL INVESTIGATION AND ASSESSMENT

The following report is to be submitted to and shall be endorsed by Council's Director – City Planning, Development and Transport prior to the commencement of any future design competition:

- (a) The applicant is to engage a structural engineer with suitable experience in work on heritage buildings and heritage materials, to advise on the protection of, and mitigation of damage to, adjacent heritage buildings, arising out of the proposed excavation. The applicant's structural and geotechnical engineers shall direct investigations of subsurface conditions including sufficient boreholes and test pits to determine geotechnical parameters for excavation, excavation support and the protection of adjacent structures.
- (b) A structural assessment of Porter House and concept structural design to verify the adequacy of the building for the proposed new use. The report is to be prepared by a structural engineer with suitable experience in work on heritage buildings and heritage materials. The

report is to include an assessment of the critical structural issues relating to the facades of the building and the potential impact upon the existing timber structure of the building arising out of the need for fire resistant construction, fire separation, lateral stabilisation, and to detail structural works to Porter House that will be required to achieve compliance that comply with the Building Code of Australia and Australian Standards.

(21) ARCHAEOLOGICAL ASSESSMENT (NON STANDARD)

An archaeological assessment of all properties included in the development undertaken by a suitably qualified archaeologist must be submitted with the Stage 2 DA. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work. The report should also form part of the Design Competition brief, in order to inform potential interpretation.

(22) CONSERVATION MANAGEMENT PLAN AND ADAPTIVE RE-USE OF PORTER HOUSE AT 203 CASLREAGH STREET SYDNEY

- (a) The Conservation Management Plan for Porter House at No 203 Castlereagh Street, Sydney is to be amended and the amended plan shall be endorsed by Council's Director City Planning, Development and Transport prior to the commencement of any future design competition. The adjustments to the CMP shall include the following:
- (i) Further physical investigation of the rear structures including timber posts, and boundary walls, where earlier structures may have been incorporated into the building supported by further documentary analysis where required. This investigation should include the relationship of structures with the spaces directly beneath in the basement.
 - (ii) To include further physical investigation of the brick platforms in the basement level of the building, including investigation of the condition of the sandstone perimeter wall supported by further documentary analysis where required.
 - (iii) Physical analysis of the locked Storage room in the Basement Level.
 - (iv) Inclusion of the existing pavement shafts and evidence of former shafts, on the Basement Plan.
 - (v) Physical investigation on the sandstone façade fronting Castlereagh Street above door head height, including mapping the location of any inserted beams.
 - (vi) Review of the gradings of significance and policies in the light of further investigation above.

- (b) The following reports in (i) to (vii) below, pertaining to the refurbishment of Porter House, shall be approved by Council's Director City Planning, Development and Transport prior to the commencement of any future design competition. The concept designs and advice within the approved reports are to inform the Design Competition, be incorporated into the Stage Two design.
- (i) The approved outline Schedule of Conservation Works, contained within the Conservation Management Plan by Godden Mackay Logan, and the approved sketch design for the reconstruction of the eastern façade at Ground Floor level are to be included as part of the design competition brief.
 - (ii) The approved outline Schedule of Conservation Works is to be developed further and supported by larger scale plans and sections with indicative details and specifications outlining the intended conservation and adaptive approach to the interiors components (preservation, restoration, reconstruction, adaptation, interpretation etc) is to form part of any Stage 2 application.
 - (iii) The approved detailed design resolution for the reconstruction of the eastern façade at Ground Floor level supported by sections and detail plans at a minimum scale of 1:20 are to form part of any Stage 2 application.
 - (iv) A concept fire safety strategy report that outlines the proposed fire rating solution for the interiors, which is to utilise fire engineered solutions rather than physical barrier solutions to maximise the exposure of timber structure, original fabric and finishes and minimise compartmentalisation of spaces and levels.
 - (v) Building services concept design report(s) that assess the current building services, address non compliances with the Building Code of Australia (BCA), and explain the intended design approach to new or additional building services. This should include the type of systems proposed, the means of reticulation of services and the location of all plant. The proposed solutions to building services are to enhance the Victorian character of the interiors, and maximise the exposure of timber structure, original fabric and finishes. Service installations such as air conditioning plant, hydrant pump room, booster valves and electrical switch room are to be located outside of Porter House. The lift overrun is to be reduced in height to the minimum that is feasible.
 - (vi) An Acoustic report to explain how the interiors will achieve compliance with BCA.

(23) GENERAL DESIGN MATTERS

The future design competition brief and Stage 2 development application must incorporate the following restrictions:

- (a) The extent of the cantilever of the proposed tower over Porter House is to be a maximum of five metres as measured in plan, in the north south direction.
- (b) The proposed lift core is to be setback from the south facade of Porter House by a minimum of four metres.
- (c) The proposed tower is to be setback a minimum of eight metres from Castlereagh Street.
- (d) The proposed recess between Porter House at 203 Castlereagh Street and the proposed building at 110-118 Bathurst Street is to be designed as follows:
 - (i) Any roofing or facades to the north and east are to be fully glazed and achieve a high level of transparency so as to conserve views of the original southern facade and the form of Porter House.
 - (ii) To be a minimum width of 5,300mm.
- (e) The proposed building at 110-118 Bathurst Street is to be structurally independent of Porter House, the building at 203 Castlereagh Street, Sydney.
- (f) The proposed excavation is to be setback by minimum of two metres from the boundary with the property St George's Church, at 201A Castlereagh Street, at the rear of Porter House.
- (g) The podium design should be a finely designed masonry building with the facade composition responding in a positive way to the adjacent heritage items and the predominant historic development at 201A, 201 and 203 Castlereagh Street, 284 – 292 Pitt, and 108 Bathurst Street that is characterised by strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level. High quality materials that provide a compatible response to surrounding development should be incorporated into the design. Glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour. Balconies should be recessed within the line of the facade through punctured openings.
- (h) The soffit of the tower as viewed within the context of the heritage items at 201A, 201 and 203 Castlereagh Street is to be carefully considered so as to reduce its visual prominence.
- (i) The pavement level of the former cartway of Porter House at 203 Castlereagh Street is to be lowered to an approximation of its original level. The character of this space is to reflect its original use as cartway.
- (j) Any enclosed structure replacing the existing rear structures in Porter House is to be setback by a minimum of three metres from the boundary with the property at 201A Castlereagh Street, St George's Church, so as to retain the sense of the former rear courtyard.

(24) OUTLINE HERITAGE INTERPRETATION STRATEGY

The Stage Two Design is to incorporate an outline interpretation strategy that details how information on the history and significance of the entire site and its potential archaeology will be provided for the public. This outline should inform the Design Excellence brief.

(25) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the Design Excellence and Stage 2 design processes.

(26) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the Stage 2 development application.

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

Moved by Mr Knowles, seconded by Councillor Mant -

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

Carried unanimously.

ITEM 9 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

Moved by Councillor Kok, seconded by Councillor Mant -

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

Carried unanimously.

The meeting on Friday 8 March 2013, adjourned from 21 February 2013, concluded at 1.38pm.

CHAIR