

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 396
Thursday 17 October 2013
Notice Date 11 October 2013

minutes

city of villages

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PRESENT

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

Members - The Hon Craig Knowles, Councillor Robert Kok, Councillor John Mant,
the Hon Robert Webster.

At the commencement of business at 5.10pm, those present were -

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

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

Apologies

Mr Richard Pearson, Deputy Director General, Planning Operations and Regional Delivery, NSW Department of Planning and Infrastructure, extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

Mr Neil McGaffin, Alternate Member to Mr Pearson, extended his apologies for his inability to attend the meeting of the Central Sydney Planning Committee.

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

Ms Darlene van der Breggen, Alternate Member to Mr Poulet, extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

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

That the apologies from Mr Pearson, Mr McGaffin, Mr Poulet and Ms van der Breggen be received and leave of absence from the meeting be granted.

Carried unanimously.

ITEM 1 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 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 (S106508)

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

That the minutes of the meeting of the Central Sydney Planning Committee of 22 August 2013, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES (S106508)

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 22 August 2013.

ITEM 4 ELECTION OF DEPUTY CHAIRPERSON (S106508)

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that:

- (A) the Central Sydney Planning Committee elect a member to be Deputy Chairperson;
- (B) the method of voting for the election be open, exhaustive voting; and
- (C) if necessary, the duration of the Deputy Chairperson's term of office be determined by resolution.

Carried unanimously.

An election for the position of Deputy Chairperson was then conducted. Councillor John Mant was nominated by Mr Knowles. The nomination was seconded by Mr Webster. The nomination was accepted by Councillor Mant.

Councillor Mant was declared elected to the position of Deputy Chairperson of the Central Sydney Planning Committee for the duration of Councillor Mant's term of office as a member, namely to 30 September 2014.

ITEM 5 DEVELOPMENT APPLICATION: 38-48 YORK STREET AND 379-385 GEORGE STREET SYDNEY (D/2013/767)

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Allan Fife, Fife Capital Group.

Moved by Mr Webster, seconded by Councillor Mant -

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;
- (B) pursuant to the provisions of Clause 7.20(3) of the Sydney Local Environmental Plan 2012 (SLEP 2012), that the consent authority waive the requirement to prepare a development plan for the subject site as it is considered to be unreasonable and unnecessary in this instance;
- (C) pursuant to the provisions of Clause 4.6 of the Sydney LEP 2012 (SLEP 2012), that the consent authority accept the written request to waive the requirement to comply with the 60m maximum height limit control that applies to the York Street site as sufficient environmental planning grounds have been provided to justify the non-compliance with the development standard and it is unreasonable and unnecessary in this instance;

- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted subject to satisfying the following RailCorp requirements:
- (1) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - (2) Final Construction methodology with construction details pertaining to structural support during excavation, including details of any proposed piling, sheet piling, batter and anchors (to be noted it is RailCorp's requirement that no anchors will be permitted within its land or easements).
 - (3) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (4) Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure.
 - (5) If required by RailCorp, tunnel monitoring requirements during excavation and construction phases is required.
 - (6) If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor will be required;
- (E) any conditions imposed by RailCorp as part of its approval/ certification/ requirement will also form part of this consent and must be complied with;
- (F) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by 24 months from the date of determination;
- (G) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (H) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

| Stage | Works |
|--------------|---|
| 1 | Retention and Structure works to Spiden House (46-48 York Street) and Carlton House (36-44 York Street) |
| 2 | Demolition of George Street properties |
| 3 | Bulk Excavation and Structure works up to George Street level |
| 4 | Remainder of structure and heritage restoration and conservation works |
| 5 | Remainder of works to completion and Occupation |

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/767 dated 11 June 2013 and the following drawings:

| Drawing Number | Architect | Date |
|-----------------------|------------------------|-------------|
| DA0301 E | John Wardle Architects | 24.5.13 |
| DA0302 E | John Wardle Architects | 24.5.13 |
| DA0303 E | John Wardle Architects | 24.5.13 |
| DA0304 E | John Wardle Architects | 24.5.13 |
| DA0305 E | John Wardle Architects | 24.5.13 |
| DA0306 E | John Wardle Architects | 24.5.13 |
| DA0307 E | John Wardle Architects | 24.5.13 |
| DA0308 E | John Wardle Architects | 24.5.13 |
| DA0309 E | John Wardle Architects | 24.5.13 |
| DA0310 E | John Wardle Architects | 24.5.13 |

| Drawing Number | Architect | Date |
|-----------------------|------------------------|-------------|
| DA1001 L | John Wardle Architects | 24.5.13 |
| DA1002 L | John Wardle Architects | 24.5.13 |
| DA1003 L | John Wardle Architects | 24.5.13 |
| DA1004 L | John Wardle Architects | 24.5.13 |
| DA1005 L | John Wardle Architects | 24.5.13 |
| DA1006 L | John Wardle Architects | 24.5.13 |
| DA1007 L | John Wardle Architects | 24.5.13 |
| DA1008 L | John Wardle Architects | 24.5.13 |
| DA1009 L | John Wardle Architects | 24.5.13 |
| DA1010 L | John Wardle Architects | 24.5.13 |
| DA1011 L | John Wardle Architects | 24.5.13 |
| DA1012 L | John Wardle Architects | 24.5.13 |
| DA1014 L | John Wardle Architects | 24.5.13 |
| DA1018 L | John Wardle Architects | 24.5.13 |
| DA1026 L | John Wardle Architects | 24.5.13 |
| DA1030 L | John Wardle Architects | 24.5.13 |
| DA1036 L | John Wardle Architects | 24.5.13 |
| DA1039 L | John Wardle Architects | 24.5.13 |
| DA1040 L | John Wardle Architects | 24.5.13 |
| DA1041 L | John Wardle Architects | 24.5.13 |
| DA1042 L | John Wardle Architects | 24.5.13 |
| DA1043 L | John Wardle Architects | 24.5.13 |
| DA1044 L | John Wardle Architects | 24.5.13 |
| DA1047 L | John Wardle Architects | 24.5.13 |
| DA1701 C | John Wardle Architects | 24.5.13 |

| Drawing Number | Architect | Date |
|-----------------------|------------------------|-------------|
| DA1812 E | John Wardle Architects | 27.5.13 |
| DA1813 E | John Wardle Architects | 27.5.13 |
| DA1814 E | John Wardle Architects | 27.5.13 |
| DA1815 E | John Wardle Architects | 27.5.13 |
| DA1816 E | John Wardle Architects | 27.5.13 |
| DA1817 E | John Wardle Architects | 27.5.13 |
| DA1840 E | John Wardle Architects | 27.5.13 |
| DA1841 E | John Wardle Architects | 27.5.13 |
| DA1842 E | John Wardle Architects | 27.5.13 |
| DA1843 E | John Wardle Architects | 27.5.13 |
| DA3001 F | John Wardle Architects | 24.5.13 |
| DA3002 F | John Wardle Architects | 24.5.13 |
| DA3003 F | John Wardle Architects | 24.5.13 |
| DA3004 F | John Wardle Architects | 24.5.13 |
| DA3005 F | John Wardle Architects | 24.5.13 |
| DA3006 F | John Wardle Architects | 24.5.13 |
| DA3007 F | John Wardle Architects | 24.5.13 |
| DA3020 A | John Wardle Architects | 24.5.13 |
| DA3501 K | John Wardle Architects | 24.5.13 |
| DA3502 K | John Wardle Architects | 24.5.13 |
| DA3514 K | John Wardle Architects | 24.5.13 |
| DA3515 A | John Wardle Architects | 24.5.13 |

and as amended by the conditions of this consent.

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

(3) DESIGN MODIFICATIONS

The design of the building must be modified, as follows, to the satisfaction of Council's Director City Planning, Development and Transport, prior to the issue of a Stage 1 Construction Certificate:

(a) GEORGE STREET PODIUM:

- (i) The colour and grain characteristics and the mineral composition of the proposed sandstone facade cladding is to have a level of consistency with the Pymont 'yellowblock' sandstone of the adjacent King Georges Chambers building.
- (ii) The proposed bluestone clad columns at ground level are not approved and are to be replaced with a green/brown granite stone akin to the trachyte base of the adjacent King Georges Chambers building.
- (iii) The sandstone facade elements proposed for the podium levels 2-4 appear to float and are two dimensional, lacking in articulation typifying the adjacent heritage items. Details of the sandstone element should be re-designed to provide a more articulated facade where the stone elements appear to be more structural and load bearing. The glass line is to be folded inwards at columns gridlines to provide greater articulation.
- (iv) The height of the pool glazed balustrade is to be reduced in height to match the horizontal band of the King Georges Chambers.
- (v) The proposed double height awning is to be deleted and an alternative horizontal sandstone band element designed in its place.

(b) RESIDENTIAL TOWER:

- (i) Architectural drawings of the architectural roof feature design are to be provided.
- (ii) Architectural drawings (section/elevation scale 1:50) confirming the height of the balcony balustrade to be no higher than 1.2m with a minimum 25% open area above (the balconies are not to be capable of being fully enclosed).

(c) HERITAGE ITEMS: CARLTON HOUSE, 36-44 York Street and SPIDEN HOUSE, 46-48 York Street:

- (i) The design and heritage conservation objectives for the interiors of both warehouses are to be the achievement of a completed "base-building" suitable for fitout by lessors, and the conservation of the interior fabric to a high standard, in particular the following fabric:

- a. Original and early structural columns, beams, and walls.
 - b. Ceilings of moderate to exceptional heritage significance, including the underside of timber flooring where pressed metal ceilings are absent.
 - c. Any other fabric of moderate to exceptional heritage significance.
- (ii) The proposal for Spiden House, whereby the original extant cast iron columns on the Ground Floor and Level 1 are removed from alternate rows and replaced with new steel RHS sections, is not approved.
- (iii) The resolution of the lateral bracing is to be part of an integrated design process included with the proposed air-conditioning system and fire safety measures, and alongside the requirements of the Conservation Management Strategy, all with the following objectives:
- a. mitigate adverse visual and physical impacts, and maximise the exposure of significant fabric,
 - b. utilise alternate solutions to minimise heritage impacts,
 - c. achieve clarity between contemporary and early structural systems,
 - d. remove later structural intrusions and resolve any deficiencies in the existing structural system, and
 - e. utilisation of the unavoidable interventions (i.e. the new lift core in Carlton House, the two tower column supports and the vehicular hoists).
- (iv) The resolution of the above integrated approach is to be clearly justified in terms of mitigation of heritage impacts and documented by floor plans, reflected ceiling plans and sections, indicating the relationship of transverse and vertical services reticulation with significant and proposed structural elements and with the proposed conservation of significant ceiling systems, so that the resultant interior character can be assessed.
- (d) CARLTON HOUSE, 36-44 York Street: The design of the building named 'Carlton House' must be modified as follows:
- (i) All pressed metal ceiling systems on each level of the building are to be conserved and exposed to view.
 - (ii) Sections of the original terracotta walling around the original central stair (balustrade or large openings), are to be conserved including areas of plaster retaining evidence of early colour schemes.
 - (iii) To respect the structural logic of the building:

- a. The residential lift lobby, the riser duct adjacent to the Lift 09, and the riser duct adjacent to the northeastern stair are to be reconfigured to avoid conflicts with overhead beams and engaged wall piers.
 - b. The openings in the wall aligning the cartway are to be symmetrically positioned between piers/beams so as to reflect the structural rhythm of the building. Some reduction in width and exaggerated reveals would assist in enhancing the visual strength of the walls.
- (iv) Confirmation of the approved drawings: All existing aluminium framed windows and doors on all levels and facades of the building are to be replaced by timber framed assemblies, the design of which is to closely interpret the original joinery.
- (e) SPIDEN HOUSE, 46-48 York Street: The design of the building named 'Spiden House' must be modified as follows:
- (i) Front facade, Ground Floor level:
 - a. The design resolution of the external openings is to closely interpret the original joinery.
 - b. The proposed vehicular opening is to be spanned by an elliptical arch with keystone (such as is evident over the triplet windows at Level 5) in lieu of the flat open proposed. The opening width is to encompass the three openings (two windows and one double door) shown on the 1911 elevation, thereby retaining the original pier widths. The design of the finishes to all surfaces of the vehicular opening is to be carefully considered to be sympathetic with the character of the building.
 - (ii) Front facade, all levels above Ground Floor: All early window joinery of the front façade of Spiden House is to be conserved.
 - (iii) Rear façade, Ground Floor Level and Level 1: One original window opening fitted with an original multi-paned double hung window at Ground Floor (York St) Level and level 1 is to be conserved.
 - (iv) The fire escape stair passage that discharges through the northern half of Spiden House is to be reconfigured to discharge in a less prominent location if feasible.
 - (v) The proposed internal stair between Ground Floor and Level 1 is to be reconfigured to avoid conflict with the beams above.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 1 Construction Certificate being issued.

(4) DESIGN DETAILS (MAJOR DEVELOPMENT)

A revised materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport Division prior to a Stage 1 Construction Certificate being issued.

(5) EXTERNAL COLOUR SCHEME (CARLTON HOUSE & SPIDEN HOUSE)

The external colour scheme is to be sympathetic to the architectural style and period of the buildings. A schedule of colours for Spiden and Carlton House is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 1 Construction Certificate.

(6) 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's Director City Planning, Development and Transport prior to release of the Stage 1 Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(7) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 12.91:1 (combined total FSR) calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 23,059.96sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environment Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Stage 3 Construction Certificate being issued, Council's written verification must be obtained, confirming that 5426sqm of heritage floor space was allocated (purchased and transferred) to the

development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

(8) BUILDING HEIGHT

- (a) The height of the building must not exceed RL155.20 (AHD) to the top of the architectural roof feature and RL 148.10 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(9) SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002 in accordance with the following:

- (a) Prior to a Stage 1 Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation,

electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

(10) USE OF COMMON AREAS AND FACILITIES

The roof top terrace, gymnasium, swimming pool etc. must be available for the use of all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(11) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the premises/each individual tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

(12) PUBLIC ART

High quality art work must be provided within heritage cartway and adjacent courtyard in accordance with the Sydney DCP 2012 and the Public Art Policy. Details of the art work must be submitted to and approved by Council's Director City Planning, Development and Transport including:

- (a) The engagement of the shortlisted Artists for the final design competition shall be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the stage 4 Construction Certificate.
- (b) Detail of the award and commissioning of the public art shall be submitted to and approved by Council's Director City Planning, Development and Transport prior to the stage 4 Construction Certificate.

(13) ACOUSTIC REPORT

An acoustic investigation of the proposed development is to be undertaken by a suitably qualified acoustic consultant who possesses the qualifications to render them eligible for membership to the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants describing and assessing the impact of noise emissions from the use and submitted to and approved by the Principal Certifying Authority prior to a Stage 4 Construction certificate being issued.

The investigation must include, but not be necessarily be limited to, the following:

- (a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal.
- (b) An assessment of the existing background (LA90,15 min) and ambient (LAeq,15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur.(Measurement techniques and the assessment period should be fully justified and in accordance with AS 1055:1997 and the NSW Industrial Noise Policy).
- (c) The identification of all operations conducted onsite as part of the development proposal that are likely to give rise to offensive noise to neighbouring noise sensitive receivers.
- (d) Distances between the development and the nearest noise sensitive receiver and the predicted level of noise (LAeq, 15min) from any development activities when assessed at the boundary of that receiver.
- (e) A statement confirming that the development will comply with the Council's "Noise Use" criteria together with any recommended of acoustic control measures that should be incorporated into the development to ensure that the use will not create adverse noise impacts to the occupiers of any neighbouring noise sensitive properties.

(14) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the acoustic report(s) approved by City of Sydney Health and Building must be implemented during construction and use of the premises.

- (a) The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of an Occupation Certificate.

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

- (a) Prior to a Stage 4 Construction Certificate being issued, an acoustic assessment report must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:

- (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified; and
 - (iii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

(16) 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 suitably qualified acoustic professional must be prepared and submitted to the certifying authority prior to the issue of a Stage 3 Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.

- (a) The report should quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development.
- (b) The report should identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Sydney DCP 2012.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of an Occupation Certificate.

(17) 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 L_{Aeq} , 15minute noise level emitted from the use must not exceed the background noise level LA_{90} , 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) The 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.

Internal to internal noise transmission - residential amenity

- (b) 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, 15minute 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.

Internal to internal noise transmission – commercial amenity

- (c) 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 commercial premises provided that;
 - (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed.
 - (ii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.

(18) 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 ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(19) INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

(20) 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 units in any future strata subdivision of the building.

(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 FACILITIES

A minimum of 4 showers and 44 personal lockers are to be provided for employees.

A bicycle facilities room must be provided close to staff / employee bicycle parking and include a minimum of:

- (a) two showers with change area; and
- (b) 20 personal lockers.

The additional two showers are to be provided in bathrooms within the commercial offices if they cannot be accommodated within the bicycle facilities room. A minimum of 12 lockers are to be provided within close proximity to each shower (i.e. a total of 24 additional lockers). These facilities can be provided as part of the future tenancy fit outs.

The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 4 Construction Certificate being issued.

(23) BICYCLE PARKING

A minimum of 158 residential, 44 employee/staff and 24 visitor bicycle parking spaces must be provided. Additionally, an area equivalent in size to a Class 1 bicycle locker must be provided within 41 residential units (providing a total of 199 residential bicycle parking spaces).

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, or at a minimum, equivalent in size to a Class 1 bicycle locker where located within a residential unit, or within a designated residential storage cage;
- (b) all bicycle parking for staff / employees must be Class 2 bicycle facilities, noting that alternative systems with a minimum spacing between parking rails of less than 600mm may be used, subject to approval by Council's Cycling Manager; and
- (c) all bicycle parking for visitors must be Class 3 bicycle rails.

The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 4 Construction Certificate being issued.

Note: It is recommended that areas for staff bicycle parking are located separately to areas for residential bike parking.

(24) CAR PARKING SPACES AND DIMENSIONS

A maximum of 13 off-street car parking spaces must be provided (includes 6 car stackers). The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 3 Construction Certificate being issued.

(25) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Sydney Traffic Operations Unit seeking the City's approval for any changes to kerb side parking

arrangements. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the changes to sign posting will be at no cost to Council.

(26) 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.

(27) 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. Details must be submitted to and approved by the Certifying Authority prior to a Stage 3 Construction Certificate being issued.

(28) 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.

(29) LOADING/PARKING KEPT CLEAR

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(30) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 8.8m.

(31) SERVICE VEHICLES

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- (a) a minimum of **2** courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres; and
- (b) a minimum of **2** Medium Rigid Vehicle loading dock(s).

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

Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to a Stage 4 Construction Certificate being issued.

(32) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicular 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.

(33) 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.

(34) VEHICLES ACCESS

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

(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 submitted to and approved by the Principal Certifying Authority prior to a Stage 3 Construction Certificate being issued.

(36) LOADING DOCK MANAGEMENT PLAN

Prior to the issue of an Occupation Certificate a loading dock management plan must be submitted to and approved by Council. The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on the public streets to enter the site; and the specific loading times for the various tenants of the site and the adjacent site at 375-377 George Street, Sydney. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(37) FLOOR TO CEILING HEIGHT

Prior to a Stage 4 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.

(38) SIGNS - SEPARATE DA REQUIRED

- (a) No signage is approved as part of this consent.
- (b) A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(39) SIGNAGE STRATEGY

A Signage Strategy is to be submitted and approved by Council's Director City Planning, Development and Transport prior to the issue of a Stage 5 Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(40) PARTITION WALLS

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(41) 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.

(42) LOADING AND FIRE EGRESS DURING CONSTRUCTION

- (a) Prior to the issue of the Stage 1 Construction Certificate, the applicant must submit to Council a schedule specifying the times and dates during its construction program that anticipates existing access to loading dock facilities on, and fire egress over, the Site for the adjoining site of 375-377 George Street may be restricted or otherwise unavailable due to health and safety or other bona fide construction related reasons, together with a program for notifying occupiers and users of the adjoining site of those times and dates.
- (b) The schedule and program will need to be provided to all users and occupiers of the adjoining site.

(43) ACCESS TO SERVICES FOR 375-377 GEORGE STREET

Provision must be made within the development site for connections to and services for the adjoining site of 375-377 George Street. Details must be provided prior to the issue of a Stage 1 Construction Certificate for the new building to the satisfaction of Council.

(44) CONSERVATION MANAGEMENT PLAN

- (a) To provide an effective guide for the buildings, the Conservation Management Plan by Design 5 Architects Pty Ltd dated November 2011 is to be amended to incorporate information on the nature, condition and heritage significance of all fabric uncovered by the strip-

out of the interiors which took place after completion of the CMP dated November 2011. Reflected ceiling plans are to be incorporated into the sections on physical analysis and gradings of significance.

- (b) The amendments are to be submitted to Council's Director City Planning, Development and Transport for approval prior to the issue of the Stage 1 Construction Certificate.

(45) CONSERVATION MANAGEMENT STRATEGY

- (a) To ensure a commitment to the conservation of the significant fabric and character of Carlton House and Spiden House, the Outline Schedule of Conservation Works by Design 5 Architects Pty Ltd dated January 2011, is to be further developed into a detailed Conservation Management Strategy comprising a floor by floor schedule of conservation works for all fabric identified as of Moderate to Exceptional heritage significance in the amended CMP, supported by specifications and detailed drawings.
- (b) In addition to the works contained within the Outline Schedule of Conservation Works, the following is to be included:
 - (i) Window and external door joinery schedules (at scale 1:20) with supporting details (at scale 1:5) and specifications.
 - (ii) Details of the final presentation of the cartway of Carlton House including the interpretive gates, openings within the aligning walls, conservation of the ceiling, and walls, lighting, paving. Any discovery of former road surfaces preserved beneath the current surface should inform the paving design.
 - (iii) Details of the proposed voussoirs and arches to be reconstructed at Spiden House, in elevation (at scale 1:20), section (at scale 1:20) and plan (at scale 1:5). The detail plans are to show the relationship with the reconstructed joinery.
 - (iv) Details of the sandstone cornice to be reconstructed at Carlton House, in elevation and section (at scale 1:20).
 - (v) Spiden House and Carlton House:
 - a. Detailed schedule of brickwork, sandstone and stucco façade repairs including elevations that identify the extent and location of the conservation works.
 - b. Basement Levels (George Street Level): Conservation of original timber post and beam structures.
 - c. The approach to reconstructive works where walls or sections of brick and sandstone walls are to be dismantled and reconstructed.
 - d. The approach to re-establishing timber and pressed metal ceiling systems throughout, including ceiling panels, beam fascia and soffit panels, cornices, cover beads and modillions.

- e. Internal plaster repairs and internal floor repairs where these will remain exposed with timber of matching timber section and species.
 - f. Removal of intrusive elements, for example, the RSJs supporting Level 3 floor of Spiden House added in 1985 below the pressed metal ceiling level.
 - g. Investigation as to whether the original loading dock could be carefully dismantled for an interpretive display is to be undertaken as part of the Interpretation Plan.
- (c) The Conservation Management Strategy must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 1 Construction Certificate.
 - (d) The Conservation Management Strategy must be implemented to the satisfaction of Council's Director City Planning, Development and Transport prior to the issue of the Occupation Certificate.

(46) STRATEGY FOR FUTURE TENANCIES

- (a) GEORGE STREET PODIUM: To ensure that future tenancy fitouts do not conceal the shopfronts and negatively impact on the lower ground floor, upper ground floor and first floor levels visible from George Street a set of guidelines for future tenancies is to be developed.
- (b) CARLTON HOUSE, 36-44 York Street and SPIDEN HOUSE, 46-48 York Street: To ensure that future tenancy fitouts respect enhance the presentation of the facades of both warehouses, retain the character of the conserved interiors, and that significant fabric is protected and remains exposed to view, a set of guidelines for future tenancies is to be developed for the two heritage items.
- (c) The guidelines are to include specific recommendations relating to the retention of visibility into the building, appropriate finishes, visual clutter, partitioning, additional requirements for mechanical servicing, lighting, security including for ATMs and internal signage.
- (d) The strategies are to be submitted to and approved by the Director City Planning, Development and Transport prior to a Stage 5 Construction Certificate being issued.

(47) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

- (d) The new windows and doors must use timber joinery.
- (e) The face brickwork/sandstone must not be rendered, painted or coated.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(48) HERITAGE ASSET MAINTENANCE PLAN

To ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan is to be developed. The following is to apply:

- (a) The Plan is to include all fabric identified as being of Exceptional to Moderate heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 1999 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.
- (b) The Plan is to be prepared by the Conservation Architect and is to be submitted to Council's Director City Planning, Development and Transport for approval prior to the issue of an Occupation Certificate.

(49) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council's Director City Planning, Development and Transport where information or clarification is required regarding the resolution of heritage issues throughout the project.

- (a) Evidence and details of the above commission on the above terms are to be submitted for approval by Council's Director City Planning, Development and Transport prior to the issue of the Stage 1 Construction Certificate.
- (b) Throughout the documentation and construction stages of the approved works, the Conservation Architect is to maintain a diary of site inspections that includes photographs of the works and details of advice arising out of the inspection. Site inspections must be of not less than fortnightly intervals. The Conservation Architect is also to compile a Heritage Impact Statement for all decisions made throughout the project. To ensure a final approval by Council, the Diary and the Heritage Impact Statement should be submitted to Council's Director City Planning, Development and Transport on a regular basis throughout the project.

- (c) The conservation architect must sign off the completed project and submit the Diary and the Heritage Impact Statement for approval by Council's Director City Planning, Development and Transport prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

(50) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must undertake the relevant applications to the NSW Government Office of Environment and Heritage, Heritage Division for an excavation permit under Section 140 of the Heritage Act 1977 or alternatively, an exemption under Clause 139.
- (b) Should any potential archaeological deposit likely to contain Aboriginal objects be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to NSW Government Office of Environment and Heritage for an excavation permit for Aboriginal objects.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the NSW Heritage Division should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974.
- (g) A copy of recording of the finds and the final archaeological summary report is to be submitted to Sydney Council prior to the Occupational Certificate.

(51) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the entire development site must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 1 Construction Certificate being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the entire development site will be provided for the public and make recommendations regarding public accessibility,

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

- (c) Prior to occupation certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council's Director City Planning, Development and Transport.

(52) HISTORIC MARKER

Brass plaques relating to the history of the site must be installed on the facades of both Carlton House and Spiden House prior to occupation. The design, location and wording must be submitted for the approval of Council prior to an Occupation Certificate being issued.

(53) MATERIALS FOR MAKING GOOD

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

(54) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Stage 2 Construction Certificate being issued, an archival photographic recording of the interiors and exteriors of Spiden House and Carlton House, the interiors of the historic elements within the basement levels of the two buildings fronting George Street and their exterior facades, is to be prepared to Council's satisfaction. The recording is to be digital, and prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager, and if necessary Council's Heritage Specialist.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (A) The second submission (first submission completed as part of D/2010/1460) of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

- (a) For each of the two submissions listed above in (A), the form of the recording is to be as follows:
- (i) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
 - (ii) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.
 - (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (b) The digital based recording is to include:
- (i) CD or DVD containing the report in PDF format and the electronic images saved as JPEG TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

(55) SALVAGED MATERIALS TO BE RETAINED ON SITE

All surviving early fabric displaced by the works including but not limited to sandstone, timber and bricks is to be labelled and stored on site to facilitate future reinstatement. An inventory of stored items, the proposed storage location and the proposed method of reinstatement or reuse on the site must be submitted to and approved by Council's Director City Planning, Development and Transport Division prior to the issue of a Stage 1 Construction Certificate.

(56) SANDSTONE RECYCLING (FOR LARGE SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Director City Planning, Development and Transport prior to the issue of the Stage 1 Construction Certificate. The report is to include an investigation the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager of the Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.
- (e) The programming of the works is to take into account the above process.

(57) SITES IN THE VICINITY OF A HERITAGE ITEM

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 1 Construction Certificate. The Strategy is to detail how the proposed works will ensure that the adjacent heritage items at 375-377 George Street, 387 George Street, and 50-54 York Street and the adjacent building at 36 York Street are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally, the protection strategy is to include:
 - (i) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any

additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

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.

(58) RAILCORP CONDITIONS

- (a) Prior to the issue of a Stage 1 Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site the Applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.
- (b) Prior to the commencement of works, during works and prior to the issue of the Occupation Certificate, and 1 year following completion, 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.
- (c) An acoustic assessment is to be submitted to Council prior to the issue of a Stage 3 Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development near Rail Corridors and Busy Roads – Interim Guidelines".
- (d) Prior to the issue of a Stage 1 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 Principle Certifying Authority with the application for a Construction Certificate.
- (e) The Applicant appears to need track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) to be able to undertake the proposed construction and installation work. This will require the Developer to enter into a Deed with RailCorp, enabling his work to be planned and to

proceed in a safe and controlled manner. In this regard, the Developer should be referred to the Rail Corridor Management Group (RCMG) for further details.

- (f) Prior to the issue of a Stage 1 Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- (g) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks and to any high voltage aerial supplies within or adjacent to the rail corridor.

(59) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

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

(60) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Stage 1 Construction Certificate being issued.

(61) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND DUST MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the City of Sydney Health and Building Manager for comment and written approval prior to a Stage 1 Construction Certificate.

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. The applicant is expected to commence community consultation prior to completion of a report, and include a summary of the conversations and initiatives within the report. The report should clearly identify how proposed work practices have been modified to accommodate the community, and what further consultation will be required.
- (e) Confirmation of noise and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

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

All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan that is submitted and approved by City of Sydney Health and Building.

(63) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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” .

A separate section 96 Development Application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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”.

(64) 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.

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.

(65) CONTAMINATION/ ACID SULFATE SOILS

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination or Acid Sulfate Soils must be immediately notified to the Council and the Principal Certifying Authority.

(66) CLASSIFICATION OF WASTE

Prior to the exportation of waste from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: 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 transporters 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.

(67) 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 Stage 4 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.

(68) NOISE CONTROL VERIFICATION

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

The report must also confirm that resultant operational noise levels from the mechanical plant and equipment is in compliance with the noise criteria stated within the Noise - Use condition which forms part of the consent, and the Acoustic Reports approved by City of Sydney Health and Building when operating to maximum capacity at the most noise sensitive time of the day. This includes verification of internal noise levels for acoustic privacy and reduction of noise from external sources.

(69) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 4 Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified

person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.

- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(70) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The Swimming Pools Act 1992 and Regulations.
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
 - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
 - (iv) Protection of the Environment Operations Act 1997
- (b) The swimming pool/spa pump and associated equipment must be setback a minimum 1.5 metres from surrounding boundaries and sound

insulated and/or isolated so that the noise emitted does not exceed 5 dB above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1 - 1989.

- (c) Noise from swimming pool/spa pump and associated equipment is not to be audible inside any neighbouring residential premises between 8pm and 7am on weekdays and Saturdays, 8pm and 8am on Sundays and Public Holidays in accordance with clause 50 of the Protection of the Environment Operations (Noise Control) Regulation 2000.

Evidence from an appropriately qualified person that the design requirements listed in (a) to (c) above have been met must accompany the application for the Stage 5 Construction Certificate.

(71) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Stage 5 Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the certifying authority.

(72) SWIMMING POOL/SPA

- (a) Swimming pools and/or spa pools and pool surrounds must be maintained in a healthy condition in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2012. Note: Guidance may also be obtained from the NSW Health Department's Public swimming pool and spa pool advisory document.
- (b) Swimming pools and/or spa pools and surrounds are to be installed and maintained in compliance with the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926.1-2012 with respect to the enclosure, signage, and surrounds of the pool/s.

(73) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

Mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for the lower floor retail tenancies if they are approved for use as a food premises. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level, and in accordance with Australian Standards AS1668.1-1998 and AS1668.2-1991.

(74) DEWATERING

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

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

(75) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

Prior to the issue of a the relevant Construction Certificate/s for Stage 1, 2, 3, 4 and 5, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(76) VERIFICATION OF SUPPORT FOR NEW LOADS

For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (NPER) must be submitted to the PCA prior to a Stage 1 and Stage 2 Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

(77) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issue of a Stage 3 Construction Certificate, a Geotechnical Inspection Certificate in accordance with Clause A2.2(a)(iii) of the Building Code of Australia prepared by an appropriately qualified person must be submitted to the satisfaction of the Certifying Authority and a copy submitted to Council.

(78) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).

(79) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole existing buildings must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;

- (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;
 - (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) Minor structures and components – Part G1
 - (xviii) Atrium construction - Part G3;
 - (xix) Energy Efficiency – Building fabric - Part J1;
 - (xx) Energy Efficiency – External glazing - Part J2
 - (xxi) Energy Efficiency – Building sealing - Part J3
 - (xxii) Energy Efficiency – Air-conditioning and ventilation - Part J5
 - (xxiii) Energy Efficiency – Artificial lighting and power - Part J6
 - (xxiv) Energy Efficiency – Hot water supply - Part J7
 - (xxv) Energy Efficiency – Access for maintenance - Part J8
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above 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 submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to the relevant Construction Certificate being issued the Certifying Authority must ensure that the building work approved under that certificate complies with the Building Code of Australia.

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA above 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 the relevant Construction Certificate being issued, the Certifying Authority must ensure that the building work approved under that certificate 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.

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

(81) 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.

(82) 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.

(83) WASTE AND RECYCLING COLLECTION CONTRACT – RESIDENTIAL

- (a) The proposed development is to include the necessary provisions to enable the licensed waste contractor to provide effective and efficient waste collection services to the development.
- (b) The waste storage facility must comply with the Building Code of Australia (BCA) and relevant Australian Standards.
- (c) Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(84) WASTE – STORAGE (GENERAL)

- (a) Commercial and residential waste must be in separate rooms.

- (b) A designated storage area for discarded bulky items must be provided for residential units.
- (c) Waste and recycling receptacles to be stored on property at all times.

(85) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 3 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 Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

(86) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Stage 3 Construction Certificate being issued or the commencement of the use, whichever is earlier.

(87) 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 Stage 3 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(88) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage 3 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) SOIL VOLUME

Special consideration should be given to soil depth and quality for tree planting. The City considers the following as minimum soil volume requirements for successful long-term tree establishment:

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

(90) ADVANCED TREE PLANTING

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

- (a) The trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 2.5 metres.
- (c) The tree must be allowed to develop a natural form.
- (d) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (e) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (g) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

(91) 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.

(92) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of an area of 61 lineal metre of asphalt site frontage (\$23,315) 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 any Construction works commencing (i.e. Stage 1 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.

(93) ALIGNMENT LEVELS

- (a) Prior to issue of a Stage 3 Construction Certificate, 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.

(94) PUBLIC DOMAIN PLAN

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 issue of a Stage 3 Construction Certificate 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.

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

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

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

(95) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to issue of any Stage 3 Construction Certificate 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.

(96) 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.

(97) 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).

(98) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to a Stage 3 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 onsite 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.

(99) LANDSCAPING OF THE SITE

- (a) Submitted Landscape Plans have not been approved yet. A revised landscape plan which satisfies the requirements of Tree Management comments and conditions is to be submitted for assessment.

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of the Stage 4 Construction Certificate. The plan must include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
 - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(100) LANDSCAPE MAINTENANCE PLAN

- (a) Prior to the issue of a Stage 4 Construction Certificate, a maintenance plan is to be submitted and approved by Council. The maintenance plan is to be complied with during occupation of the property.

- (b) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (c) Prior to the issue of a Stage 3 Construction Certificate, the following details need to be submitted and approved by the Principal Certifying Authority:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development.
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.

(101) PLANTER BOXES

The applicant shall submit a plan to the Principal Certifying authority to indicate extent of landscape areas on slap/ planter boxes and providing details that include a cellular drainage system, water proofing, irrigation system, tanking and flushing tubes. The minimum soil depths for planting on slap shall be 1000mm for trees, 600mm for shrubs and 300 mm for grass.

(102) 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".

(103) 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.

(104) 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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Stage 1 Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Stage 1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of \$446,250.00 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$446,250.00 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.

(106) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(107) PHYSICAL MODELS

- (a) Prior to a Stage 4 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 an Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's modelers must be consulted prior to construction of the model.
- (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.

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

- (a) Prior to a Stage 4 Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation 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) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (d) 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.

(109) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 375-377 and 387 George Street, Sydney 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 Stage 1 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.

(110) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
- (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale

- (c) Specify how soil conservation measures will be conducted on site including:
- (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(111) 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 a Stage 1 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 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.

(112) 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).

(113) 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.

(114) 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 an Occupation Certificate being issued.

(115) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 4.5 stars under the NSW Department of Environment, Climate Change and Water's National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement⁽ⁱ⁾ with DECCW, to deliver this star rating⁽ⁱⁱ⁾ for the base building⁽ⁱⁱⁱ⁾, being services traditionally supplied as 'common' to tenants^(iv), such as air conditioning, lifts and common area lighting) or for the whole building^(v) where there is to be one tenant to occupy the whole building. The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and
- (b) Providing a copy of the independent energy assessment report to DECCW and submitted with the Construction Certificate application, that follows the current DECCW guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (a) above:

- (c) Commitment Agreement means an agreement that is set out in accordance with DECCW's Australian Building Greenhouse Rating Commitment Agreement, which is made/signed between DECCW and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
 - (i) Star rating refers to the benchmarking system applied by DECCW for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
 - (ii) Base building means central services and common areas of a building.
 - (iii) Tenants means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.

- (d) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(116) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued.

(117) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

(118) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued.

(119) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

(120) WASTE WATER RECYCLING

Separate applications must be submitted to the Council's Health and Building Department for approval to install and operate a system of sewage management under section 68 of the Local Government Act 1993. This includes any private recycled water schemes that involve the installation and operation of a management system processing, grey water, black water and where sewer mining is proposed.

The application must satisfactorily address the eight performance standards contained within Clause 44 of the Local Government (General) Regulation 2005 before any operating approval relating to a system of sewage management is granted. These are copied below:

- (a) the prevention of spread of disease by micro-organisms;
- (b) the prevention of the spread of foul odours;
- (c) the prevention of contamination of water;

- (d) the prevention of degradation of soil and vegetation;
- (e) the discouragement of insects and vermin;
- (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned;
- (g) the re-use of resources (including nutrients, organic matter and water);
- (h) the minimization of any adverse impacts on the amenity of the premises and surrounding lands if appropriate. Provision for the re-use of resources (including nutrients, organic matter and water).

Reference should also be made to the NSW Guidelines for Management of Private Recycled Water Schemes a copy of which is available from Water for Life www.waterforlife.nsw.gov.au

The installation may also be subject to a licence application under the Water Industry Competition Act 2006 to IPART (the independent Licensing and Regulatory Tribunal) and as such applicants are encouraged to contact the Council's Health Compliance Team for further advice prior to submitting a S68 Application. IPART may also be contacted for further advice on their licensing requirements at www.ipart.nsw.gov.au.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(121) 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.

(122) BASIX

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

(123) 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.

(124) 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.

(125) 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.

(126) 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.

(127) 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.

(128) 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.

(129) 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.

(130) TRAFFIC MANAGEMENT PLAN

A Traffic Management Plan and associated Lift Management Strategy and Loading Dock Management Plan are to be submitted to Council prior to the Occupation Certificate for the site/use being granted.

The Plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site. Specific loading times for the various tenants of the site and the adjacent site at 375-377 George Street, Sydney, are to be identified within the Plan. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(131) RIGHT OF PUBLIC ACCESS AND POSITIVE COVENANT

- (a) Prior to the issue of an Occupation Certificate for the development, a Right of Public Access appurtenant to Council, pursuant to Section 88B of the Conveyancing Act 1919, must be registered on the Title of the subject site, so as to allow for public access through the subject site.

Such public access is to be provided over the through-site link between George Street and York Street including the area adjacent to the southern façade of 375 George Street where the fire escape is located, is to be limited in stratum and is to be created appurtenant to Council, in terms of granting unrestricted rights for public pedestrian access (at least between the hours of 6.00am to 10.00pm daily), without vehicles, exclusive of wheelchairs or other disabled aids for the disabled, and with guide dogs or hearing dogs for the visually or hearing impaired, to Council's satisfaction.

The relevant Section 88B instrument creating the Right of Public Access shall name Council as the only authority empowered to release, vary or modify the Public Positive Covenant.

- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be registered on the title of the subject site, appurtenant to Council. Such Positive Covenant is to be created in terms indemnifying Council against any claims and damages

arising from 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, upkeep, repair and lighting of the through-site link in accordance with the requirements and to the satisfaction of Council.

(132) EASEMENTS FOR 375-377 GEORGE STREET

Prior to the issue of an Occupation Certificate, documentary easements for access, loading, garbage storage, grease arrestor, services and fire egress must be created over the appropriate areas of the development site, in favour of the adjoining site of 375-377 George Street, all to the satisfaction of Council.

(133) 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.

(134) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(135) SHOP NUMBERING

Shops not having a direct street frontage, such as individual food businesses within a food court must have their shop number clearly displayed and visible at all times on the shop front.

(136) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, 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.

(137) 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.

Carried unanimously.

Note - The Chair (the Lord Mayor) commended the work of all parties involved in this matter.

ITEM 6 DEVELOPMENT APPLICATION: 5 LINK ROAD - 947 SOUTH DOWLING STREET AND 132-142 EPSOM ROAD ZETLAND (D/2012/1955)

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee, Relevant to Item 6, dated 17 October 2013, was circulated to members prior to the meeting of the Committee.

Moved by Mr Knowles, seconded by Councillor Mant -

It is resolved that:

- (A) pursuant to Section 40(2) of the City of Sydney Act 1988, authority be delegated to the Chief Executive Officer to determine the application having regard to the content of the subject report, including the recommended conditions of consent. This delegation is subject to the condition that determination of the application shall be in accordance with any advice received from the relevant Commonwealth body regarding the development and its acceptable impact with regard to the Limitations or Operations Surface for Sydney Airport; and
- (B) the Central Sydney Planning Committee's in principle support for the provision of a child care centre within the development, having regard to the shortage of such facilities within the location, be noted.

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 4 stages, as follows:

(a) Construction Phase 1 (Building A)

- (i) Excavation and construction of basement car parking level beneath Building A;
- (ii) Construction of Building A, including fit-out of basement parking level and all above ground residential levels (Note: internal fit-out of ground floor retail tenancies is subject to further development applications);

- (iii) Construction of pedestrian through-site link;
 - (iv) Construction of vehicular access driveway from Epsom Road; and
 - (v) Provision of a temporary waste collection zone on the eastern end of Building A.
- (b) **Construction Phase 2 (Building D- Shell and Core only)**
- (i) Excavation and construction of basement car parking levels beneath Building B/C/D;
 - (ii) Construction of the shell and core only of Building D, from ground level to podium (being Level 02);
 - (iii) Construction of vehicular access from Link Road, including internal access driveway; and
 - (iv) Construction and landscaping works to the communal ground floor level public plaza.
- (c) **Construction Phase 3 (Building C)**
- (i) Construction of Building C – including the fit-out of all residential levels (Levels 02 to 07) and lift cores, fire stairs and residential lobbies on Ground Level and Level 01; and
 - (ii) Construction of the landscaping of the communal podium at Level 02 of Building B/C/D.
- (d) **Construction Phase 4 (Building B)**
- (i) Construction of Building B – including the fit-out of all residential levels (Levels 02 to 13) and lift cores, fire stairs and residential lobbies on Ground Level and Level 01.

Various conditions in this consent make reference to the requirements of conditions and the stage in which they are to be satisfied.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/1955, dated 17 December 2012, and the following drawings:

| Drawing Number | Architect | Date |
|-----------------------------------|------------------|----------------|
| DA02 Revision E Site/Roof Plan | Turner | 23 August 2013 |
| DA03 Revision L B2 Plan | Turner | 31 July 2013 |

| Drawing Number | Architect | Date |
|---|------------------|-------------------|
| DA04 Revision M B1(A) + B1(B) Plan | Turner | 23 August 2013 |
| DA05 Revision V Ground Floor Plan | Turner | 26 September 2013 |
| DA06 Revision W Level 01 Plan | Turner | 26 September 2013 |
| DA07 Revision U Level 02 Plan | Turner | 26 September 2013 |
| DA08 Revision R Level 03 Plan | Turner | 23 August 2013 |
| DA09 Revision S Level 04 Plan | Turner | 23 August 2013 |
| DA10 Revision R Level 05 Plan | Turner | 23 August 2013 |
| DA11 Revision R Level 06 Plan | Turner | 23 August 2013 |
| DA12 Revision R Level 07 Plan | Turner | 23 August 2013 |
| DA13 Revision P Level 08 Plan | Turner | 23 August 2013 |
| DA14 Revision P Level 09 Plan | Turner | 23 August 2013 |
| DA15 Revision P Level 10 Plan | Turner | 23 August 2013 |
| DA16 Revision P Level 11 Plan | Turner | 23 August 2013 |
| DA17 Revision P Level 12 | Turner | 23 August 2013 |
| DA18 Revision P Level 13 Plan | Turner | 23 August 2013 |
| DA21 Revision H North Elevation – Link Road | Turner | 23 August 2013 |
| DA22 Revision G South Elevation - Epsom Road | Turner | 31 July 2013 |

| Drawing Number | Architect | Date |
|---|------------------|----------------|
| DA23 Revision J East Elevation- South Dowling Street | Turner | 23 August 2013 |
| DA24 Revision I West Elevation- Link Road | Turner | 23 August 2013 |
| DA31 Revision H Section AA | Turner | 23 August 2013 |
| DA32 Revision G Section BB | Turner | 23 August 2013 |
| DA33 Revision G Section CC | Turner | 31 July 2013 |
| DA34 Revision G Section DD | Turner | 23 August 2013 |
| DA35 Revision G Section EE | Turner | 23 August 2013 |

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 identified in Schedule 3 of the Voluntary Planning Agreement as being required for Phase 1 of the development of the subject site and the adjacent property at 87-103 Epsom Road, Zetland, shall be provided prior to the issue of any Occupation Certificate.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Deletion of at-grade car parking spaces:

- (a) Deletion of the thirteen (13) at-grade car parking spaces (identified as parking spaces GF.(V).001 to GF.(V).(A).013, inclusive) located on the northern side of the internal driveway adjacent to the ground floor retail tenancies of Building D;
- (b) Details of an alternate treatment converting this parking area to either an extension of the pedestrian colonnade of Building D and/or an extension to the landscape treatment of the public plaza; and

- (c) **Note:** Further consideration to the appropriateness of car parking at this location should form part of a development application for the future use of one or more of the retail/commercial tenancies on the site.

Internal floor level of retail tenancy RT.01A:

- (d) The internal floor level of ground floor level retail tenancy RT.01A in Building A shall be raised by 300mm to RL 22.6 to reflect the recommendations of flood assessment report; and
- (e) Amended plans shall be submitted to demonstrate compliance with the required internal finished floor level and any modifications required to the forecourt entry as a result of the amended levels, this shall include an amended ground floor plan and elevation plans of the building.

The amended plans shall be submitted to, and approved by, Council's Director City Planning, Development and Transport prior to a Phase 1 Construction Certificate being issued.

(5) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications (Revision D), prepared by Turner Studio, dated 12 December 2012.

(6) 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; and
 - (iii) evidence of the design architect's commission is to be provided to the Council prior to release of any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

(7) GROSS FLOOR AREA

The following applies:

- (a) The total Gross Floor Area of the development is 21,780.1sqm as calculated in accordance with the definition contained within the Sydney Local Environmental Plan 2012, including the following maximum gross floor area for the specified land uses:
- (i) Residential – 15,628.71sqm; and

- (ii) Retail/Commercial – 6,151.39sqm.
- (b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(8) BUILDING HEIGHT

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

| | Maximum RL |
|-------------------|------------|
| Building A | 50.00 |
| Building B | 69.50 |
| Building C | 51.45 |
| Building D | 32.00 |

- (b) Prior to a final Occupation Certificate being issued for each phase, 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) RETAIL TENANCY RESTRICTION

Any future partitioning/division of the retail floor space within the development shall ensure that all retail tenancies have an internal area of 1,000sqm or less.

(11) USE - SEPARATE DA REQUIRED

No consent is given or implied for the use and fit-out of any non-residential floor space within the development. A separate development application for the fit-out and use of all retail and commercial floor space, including the indicative child-care centre use, must be submitted to and approved by Council prior to that fit-out or use commencing.

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

In accordance with Clause 7.16 of Sydney Local Environmental Plan 2012, and prior to a Construction Certificate being issued for each Construction Phase, 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 Construction Phase is detailed below:

Construction Phase 1 Contribution:

The contribution is \$942,618.99 based on the in lieu monetary contribution rate for non-residential development at \$45.61 per square metre of total non-residential floor area 1,003sqm, and for residential development at \$136.87 per square metre of total residential floor area 6,552.73sqm. Contributions will be indexed in accordance with the formula set out below.

Construction Phase 2 Contribution:

The contribution is \$239,315.67 based on the in lieu monetary contribution rate for non-residential development at \$45.61 per square metre of total non-residential floor area 5,247sqm. Contributions will be indexed in accordance with the formula set out below.

Construction Phase 3 Contribution:

The contribution is \$1,138,514.77 based on the in lieu monetary contribution rate for residential development at \$136.87 per square metre of total residential floor area 8,318.22sqm. Contributions will be indexed in accordance with the formula set out below.

Construction Phase 4 Contribution:

The contribution is \$426,707.28 based on the in lieu monetary contribution rate for residential development at \$136.87 per square metre of total residential floor area 3,117.61sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued for each Construction Phase 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 (being 1 March 2013 to 28 February 2014) 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 (being 1 March 2013 to 28 February 2014).

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

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

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

Contribution payable at Construction Phase 1 Construction Certificate:

| Contribution Category | Amount |
|-----------------------|-----------------------|
| Community Facilities | \$166,707.41 |
| Public Domain | \$102,682.15 |
| New Open Space | \$800,075.68 |
| New Roads | \$203,196.65 |
| Accessibility | \$8,427.77 |
| Management | \$9,112.36 |
| Phase 1 Total | \$1,290,202.03 |

Contribution payable at Construction Phase 2 Construction Certificate:

| Contribution Category | Amount |
|-----------------------|---------------------|
| Community Facilities | \$67,279.95 |
| Public Domain | \$41,440.57 |
| New Open Space | \$322,895.36 |
| New Roads | \$82,006.31 |
| Accessibility | \$3,401.29 |
| Management | \$3,677.58 |
| Phase 2 Total | \$520,701.05 |

Contribution payable at Construction Phase 3 Construction Certificate:

| Contribution Category | Amount |
|-----------------------|-----------------------|
| Community Facilities | \$183,704.48 |
| Public Domain | \$113,151.37 |
| New Open Space | \$881,649.39 |
| New Roads | \$223,914.08 |
| Accessibility | \$9,287.04 |
| Management | \$10,041.44 |
| Phase 3 Total | \$1,421,747.79 |

Contribution payable at Construction Phase 4 Construction Certificate:

| Contribution Category | Amount |
|-----------------------|---------------------|
| Community Facilities | \$62,124.12 |
| Public Domain | \$38,264.87 |
| New Open Space | \$298,151.09 |
| New Roads | \$75,721.97 |
| Accessibility | \$3,140.64 |
| Management | \$3,395.76 |
| Phase 4 Total | \$480,798.44 |

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

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

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June Quarter 2013.

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

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

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

(14) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(15) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(16) CONTROL OF LIGHT INTO THE ENVIRONMENT

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must also comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

(17) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 01 to level 13, inclusive) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued for Phases 1, 3 and 4 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.

(18) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the strata scheme.

(19) 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.

(20) 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.

(21) CAR PARKING SPACES AND DIMENSIONS

A maximum of 264 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued for each construction phase.

(22) ALLOCATION OF PARKING

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate for each Construction Phase or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) 153 residential parking spaces;
- (b) 19 residential visitor parking spaces;
- (c) 88 retail/commercial parking spaces; and
- (d) 4 car share car parking spaces.

(23) CAR SHARE SPACES

- (a) A minimum of 4 car parking spaces are to be allocated for the exclusive use of car share scheme vehicles, as illustrated on approved architectural plan DA04 (Revision M), prepared by Turner, and dated 23 August 2013.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must not be used by vehicles other than approved car share operators.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Prior to the issue of a Phase 3 Construction Certificate, the applicant must submit for approval by Council's Director City Planning, Development and Transport, information relating to how the car share users will gain access to the space.

(24) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked vehicles must occur wholly within the property.

(25) BICYCLE PARKING

A minimum of 196 Class 1, 15 Class 2 and 34 Class 3 bicycle parking spaces must be provided within the development.

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;
- (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.

(26) BICYCLE FACILITIES

A bicycle facilities room must be provided close to staff / employee bicycle parking and include:

- (a) 3 showers with change area; and
- (b) 9 personal lockers.

(27) SERVICE VEHICLES

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

(28) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 12.5 metres.

(29) ACCESSIBLE CAR 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 any Construction Certificate being issued.

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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.

(35) TRAFFIC SIGNALS

- (a) The design and signal plan of the future signalised intersection must be approved by the NSW Roads and Maritime Services prior to the issue of any Construction Certificate for the site.
- (b) The future traffic signals must be installed and operational prior to any Occupation Certificate being granted for the site.
- (c) The design and installation works must be at no cost to Council.

(36) LINK ROAD DRIVEWAY

The Link Road driveway shall be physically restricted ensure a left-in/ left-out vehicle movement arrangement only. This restriction shall include the installation of a separator median within the street.

The median concept design and location of the median strip will require a referral to the Local Pedestrian and Traffic Calming Committee (LPCTCC) and approval from Council Officers prior to any Phase 2 Construction Certificate being issued.

The median must be constructed as per the conditions of the LPCTCC, and it must be designed and constructed at no cost to Council.

The median must be constructed prior to any Occupation Certificate for the development being issued.

(37) EPSOM ROAD DRIVEWAY

- (a) That the driveway access to the site at Building A on the northern side of Epsom Road, adjacent to Southern Cross Drive, is designed and provided such that:

- (i) a right turn bay is provided for a length of 30 m for the east to north movement; and
- (ii) landscaping and kerbs are developed such that no left turn from the development onto Epsom Road is permitted.

(38) 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. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

(39) 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".

(40) VEHICLE ACCESS

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

(41) 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; and
- (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.

(42) 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.

(43) 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.

(44) LOADING/PARKING KEPT CLEAR

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(45) 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.

(46) 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".

(47) 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 Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(48) 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 any Occupation Certificate.

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

(49) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan, prepared by GHD - Tripod Property Group Pty Ltd, dated July 2012 (Report reference 21/21716/182328) and Interim Advice Letter 040713, Site Audit No. 239, prepared by NSW EPA Accredited Site Auditor Dr Ian Swane, dated 9 July 2013.
- (b) Any variations to the proposed Remediation Action Plan shall be approved in writing by a NSW EPA Accredited Site Auditor and Council prior to the commencement of such work.
- (c) 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.

(50) 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 Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council's Health and Building Unit clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (b) **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.

(51) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations outlined within the submitted Acoustic Report, prepared by Acoustic Logic, dated 24 May 2012 (Report reference 20120436.1/2405A/R4/HP- Revision 4) must be complied with throughout the construction and future use of the development.

(52) NOISE USE

- (a) The emission of noise associated with 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.

(53) 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 ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(54) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council's Health and Building Unit for comment and written approval prior to the issue of any Construction Certificate.

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; and
- (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.

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

All recommendations outlined within the approved Demolition, Excavation and Construction Noise Management Plan must be complied with at all times throughout the development.

(56) INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

(57) 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.

(58) 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.

(59) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

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

(60) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council prior to any 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 any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(61) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to any 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 Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's Policy for Waste Minimisation in New Developments 2005.

(62) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued 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.

(63) GARBAGE ROOM

The garbage room is to be constructed in accordance with the City of Sydney's policy for Waste Minimisation in New Developments and the Building Code of Australia. 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's requirements. A constant supply is to be available within the vicinity.

(64) 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 Climate Change and Water (DECCW) waste tracking requirements. For further information contact DECCW on 131 555.

(65) IMPORTED WASTE DERIVED FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

(66) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(67) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or 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) a Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted);
 - (iii) an Excavation Work Method Statement prepared by an appropriately qualified person; and
 - (iv) a Waste Management Plan for the demolition and or 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; and
 - (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 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; and
 - (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) 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; and
 - (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; and
 - (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 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.

(70) 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.

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.

(71) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of any Phase 2 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) details of planting procedure and maintenance including how access to the planter boxes will be provided, and outlining the intended strategy for decommissioning or modifying the green wall planting works should plants fail. This strategy is to ensure that the finish to the building is well maintained and attractive throughout its life;
 - (iv) location, numbers and type of plant species;
 - (v) details of planting procedure and maintenance; and
 - (vi) details of drainage, watering systems and waterproofing details (as applicable).
- (b) Prior to the issue of any Phase 2 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

(72) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof/podium planting, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted

to and approved by Council prior to the issue of a Phase 3 Construction Certificate. The plan must include:

- (i) a Design Statement that includes details of proposed use of the green roof, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification;
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing roofs proposed to be retrofitted;
 - (iii) location of existing and proposed structures and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
 - (iv) details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney;
 - (v) details of installation methodology including structural reinforcement or retention structures for sloping roofs, including details of prevention of slippage;
 - (vi) details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property; and
 - (vii) details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Phase 3 Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
- (i) frequency and methodology of different maintenance requirements;
 - (ii) details of safety procedures;
 - (iii) laminated copies of 'As Built' drawings;
 - (iv) manufacturer's contact details and copies of manufacturers' typical details and specification; and
 - (v) copies of warranties and guarantees relating to all materials and plant used in construction.

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

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for Phase 4.
- (d) Prior to the issue of a Phase 3 Construction Certificate, the certifying authority must assess and approve the proposed design of the waterproofing system against the relevant performance provisions of the Building Code of Australia as required by Clause A0.5 of the Code and ensure the following is satisfied:
 - (i) a report from a structural engineer confirming the adequacy of the structure to support the saturated weight-bearing capacity of the green roof; and
 - (ii) a report from a hydraulic engineer certifying the drainage overflow provisions and water retention cells in the drainage layer used to facilitate self-watering for the plants.

(73) LETTERBOXES

All letterboxes are to be designed and constructed to be accessible from the public way. Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Construction Certificate being issued.

(74) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations contained in the Development Impact Assessment Report prepared by 'Earthscape Horticultural Services', dated July 2013, must be implemented during the demolition, construction and use of the development, including the following:

- (a) Appendix 2 – Tree Protection Measures; and
- (b) Appendix 7 – Tree Protection Plan (reference should also be made to this plan for trees approved for removal).

(75) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
 - (i) the Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate;
 - (ii) during excavation and trenching within the Tree Protection Zone;
 - (iii) during any Landscape works within 3 metres of the trees trunk.
- (b) A quarterly 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;
- (ii) details of any other work undertaken on any tree(s) to be retained or within TPZs; and
- (iii) documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(76) TREE PRUNING (private property)

The consent from Council must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

(77) STREET TREE PROTECTION

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

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

(78) 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 hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, 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'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(79) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(80) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of each 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.

(81) 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 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 each Construction Certificate being issued.

- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(82) NOISE CONTROL VERIFICATION

An acoustic verification report must be submitted to the Principal Certifying Authority (PCA) prior to a 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.

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

(83) 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 suitably qualified acoustic professional must be prepared and submitted to the certifying authority prior to the issue of a Construction Certificate for Construction Phases 1, 3 and 4, and must be suitably 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;
- (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; and
- (c) the Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitably incorporated into the development as erected prior to the issue of an Occupation Certificate.

(84) 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.

(85) 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 Sydney Development Control Plan 2012.

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 each Construction Certificate being issued.

(86) 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 Sydney Development Control Plan 2012; and
- (b) demonstrating (in a checklist) compliance with Australian Standard AS4299

is to be submitted to the Certifying Authority.

(87) PHYSICAL MODELS

- (a) Prior to a Phase 1 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 an Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's modelers must be consulted prior to construction of the model.
- (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.

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

- (a) Prior to a Phase 1 Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation 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; and
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (d) 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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to any 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 \$2,841,500 dollars as security for the costs of such works provided that:

- a. the maximum liability under the Deed must not exceed \$2,841,500 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; and
 - (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; and
 - (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.

(90) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 128 lineal metres of the 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 any 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.

(91) 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); and
- (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.

(92) 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.

(93) PUBLIC DOMAIN PLAN

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 any 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.

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

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

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

(94) ALIGNMENT LEVELS

- (a) Prior to any 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.

(95) 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".

(96) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to any 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 any 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 and any connection into the existing stormwater channel which traverses the site must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention and any proposed stormwater connections must be submitted to Council prior to any 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.

(97) 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 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 600mm existing road pavement restoration;
 - (iv) geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system;
 - (v) details of design and specifications for footpaths, retaining walls, pedestrian and associated verge works;
 - (vi) details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required; and
 - (vii) 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.

(98) 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; and

- (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.

(99) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to any 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.

(100) 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).

(101) ROAD DEDICATION

The owner of the site is to dedicate as Public Road vested in Council's ownership and free of cost to Council, the Widening of Epsom Road and the curved splay widening at the intersection of Epsom and Link Roads as stipulated in development consent D/2013/792 and the Voluntary Planning Agreement for the site.

A separate application is to be made to Council for approval of the Plan of Subdivision of the site excising and dedicating the road/widening and issue

of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979. Such subdivision for dedication purposes will not require Development Consent or a Section 73 (Subdivider) Compliance Certificate from Sydney Water.

(102) SUBDIVISION

Any proposal to subdivide the site, other than subdivision to effect the dedications, will require separate applications to Council to obtain Development Consent for the proposal and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act, 1979.

(103) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

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

(104) PRINCIPAL CERTIFYING AUTHORITY

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

(105) COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the Plan of Subdivision effecting the dedication, the 'Subdivision Work' on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority.

A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to the bonding of any incomplete works.

(106) PUBLIC UTILITY SERVICES

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

(107) 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.

(108) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease; and
 - (ii) prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in

writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

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

Prior to the issue of a 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).

(110) 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.

(111) GEOTECHNICAL REPORT AND CERTIFICATION

Prior to commencement of any foundation or bulk excavation, a Geotechnical Report must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority).

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

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

(113) 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.

(114) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(115) 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.

(116) BASIX

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

(117) 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 Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the Environmental Planning and Assessment Act 1979.

(118) 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; and
- (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.

(119) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (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 (EHO to specify hours).
- (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'.

(120) 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.

(121) 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) Work Health and Safety Act 2011;
- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983);
- (f) Work Health and Safety Regulation 2011; and
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

(122) 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.

(123) 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.

(124) 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.

(125) 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.

(126) 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.

(127) 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.

(128) 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.

(129) 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.

(130) STREET NUMBERING – MAJOR DEVELOPMENT

Prior to an Occupation Certificate being issued, 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.

SCHEDULE 3**(131) ROADS AND MARITIME CONDITIONS**

- (a) 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 Maritime Services
PO Box 973, Parramatta CBD 2124.

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

- (b) 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 assessment by the RMS.
- (c) This report would need to address the following key issues:
- (i) the impact of excavation/rock anchors on the stability of Southern Cross Drive and detailing how the carriageway would be monitored for settlement.

- (ii) the impact of the excavation on the structural stability of Southern Cross Drive.
- (iii) the report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973, Parramatta CBD 2124.
Telephone: 8848 2114
Fax: 8849 2766.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (d) If not already in place, full time “No Stopping” restrictions are to be implemented along the full Link Road frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact RMS Traffic Management Services on phone (02) 8849 2294 for a works inspection.
- (e) Any proposed temporary or partial road closure will require the applicant to apply for a Road Occupancy Licence (Form C and D) by contacting the Transport Management Centre’s Planned Incidents Unit on (02) 8396 1513 during office hours (8.00am to 4.00pm) or 131 700 after hours.
- (f) The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.
- (g) In due course the applicant will need to obtain a Road Opening Licence. Details can be obtained from RMS Sydney Project Services on 8849 2496.
- (h) The developer shall dedicate land as public road to facilitate the signalisation of the Link Road intersection, which shall be dedicated at no cost to the RMS or Council.

To ensure that sufficient land is dedicated from the site as public road to facilitate the signalisation of the Link Road and Epsom Road intersection, a geometric layout of the proposed traffic signal and associated civil works shall be submitted and endorsed by the RMS, prior to the execution of the land dedication and prior to any Construction Certificate being released.

- (i) The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.

- (j) Provision for building maintenance and removalist vehicles need to be provided on site.
- (k) All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
- (l) All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

SCHEDULE 4

Terms of Approval

Integrated Development Approvals

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

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
6. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
7. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the

presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

8. The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
11. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
12. Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
13. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
14. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
15. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

16. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

Carried unanimously.

ITEM 7 PUBLIC EXHIBITION - PLANNING PROPOSAL FOR VARIOUS SITES IN WATERLOO AND AMENDMENTS TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 IN ALEXANDRIA AND WATERLOO (S107972)

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee, Relevant to Item 7, dated 17 October 2013, was circulated to members prior to the meeting of the Committee.

Moved by Mr Webster seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 15 October 2013 that Council approve draft Sydney Development Control Plan 2012 – Amendment X, shown at Attachment B to the subject report, for public exhibition in accordance with the Environmental Planning and Assessment Act 1979;
- (D) the Central Sydney Planning Committee note the Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct and the draft Sydney Development Control Plan 2012 – Amendment X will be exhibited concurrently and reported back to Council and the Central Sydney Planning Committee following their exhibition;
- (E) the Central Sydney Planning Committee note that a planning proposal for changes to the height and floor space ratio controls that apply to 2-10 Fountain Street, Alexandria under Sydney Local Environmental Plan 2012 will not be progressed, as the current controls are appropriate given the site's context and constraints;
- (F) the Central Sydney Planning Committee note that a planning proposal for changes to the height and floor space ratio controls that apply to 18 Huntley Street, Alexandria under Sydney Local Environmental Plan 2012 will not be progressed, as the current controls are appropriate given the site's context and constraints, and note changes to indicative building envelopes and associated provisions are included in the draft Sydney Development Control Plan 2012 – Amendment X proposed for the site;

- (G) authority be delegated to the Chief Executive Officer to make minor variations and/or corrections to the Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct to correct any minor errors and enable public authority consultation and public exhibition following receipt of the Gateway Determination;
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 15 October 2013 that Council delegate authority to the Chief Executive Officer to correct any minor errors in the draft Sydney Development Control Plan 2012 – Amendment X and ensure its consistency with the Planning Proposal: Sydney Local Environmental Plan 2012 - Various sites in the Waterloo Park Precinct; and
- (I) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 15 October 2013 that authority be delegated to the Chief Executive Officer to vary the provisions and diagram in Section 6.2.4 of the draft Sydney Development Control Plan 2012 - Amendment X for 18 Huntley Street, Alexandria, if and as required to provide appropriate flexibility to accommodate the requirements for stormwater infrastructure.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.30pm.

CHAIR