

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 398
Thursday 5 December 2013
Notice Date 29 November 2013

minutes

city of villages

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PRESENT

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

Members - Councillor Jenny Green (Alternate Member to Councillor Robert Kok),
The Hon. Craig Knowles, Councillor John Mant, Mr Neil McGaffin
(Alternate Member to Mr Richard Pearson, Deputy Director General,
Planning Operations and Regional Delivery, NSW Department of
Planning and Infrastructure), Mr Peter Poulet, Mr Colin Rockliff
(Alternate Member to The Hon. Robert Webster)

At the commencement of business at 5.04pm, those present were -

The Lord Mayor, Councillor Green, Mr Knowles, Councillor Mant, Mr McGaffin, Mr
Poulet, Mr Rockliff.

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

Mr Rockliff left the meeting of the Central Sydney Planning Committee at 5.34pm, prior to discussion on Item 8, and returned at 5.48pm at the conclusion of discussion on that item. Mr Rockliff was not present at, or in sight of, the meeting of the Central Sydney Planning Committee at any time during discussion or voting on that item.

Apologies

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

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

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

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

That the apologies from Councillor Kok, Mr Pearson and Mr Webster 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

Mr Rockliff disclosed a pecuniary interest in relation to Item 8 on the agenda in that he is providing general advice to DEXUS on property matters and one of the properties within the North Rosebery Precinct, which is the subject of the report, is owned by DEXUS. Mr Rockliff said that he would not be present at the meeting of the Central Sydney Planning Committee during discussion or voting on that item.

No other 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 Mr Knowles, seconded by Councillor Mant -

That the minutes of the meeting of the Central Sydney Planning Committee of 14 November 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 14 November 2013.

ITEM 4 DEVELOPMENT APPLICATION: 810-822 ELIZABETH STREET WATERLOO (D/2013/700)

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Nick Bocock.

Moved by Councillor Mant, seconded by Mr Knowles-

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21(6) of the Sydney Local Environmental Plan 2012, the consent authority waive the requirements of a competitive design process for the subject application as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 7.20(3) of the Sydney Local Environmental Plan 2012, the consent authority waive the requirements for the preparation of a development control plan as it is considered to be unreasonable and unnecessary in this instance;
- (C) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2013/700, subject to the following:

(1) VOLUNTARY PLANNING AGREEMENT

Prior to activation of this consent:

- (a) The Voluntary Planning Agreement (Reference AMH/S107196: Exhibition Draft 20.09.13), prepared by Council and placed on public exhibition on 24 October 2013, shall be executed and submitted to Council;
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement consent condition, as indicated above, must be submitted to Council within 2 years of the date of determination.

The consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent condition, as indicated above, has been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement consent condition has 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 condition.

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION

This consent allows construction works to be broken into 3 stages, as follows:

- (a) **Construction Stage 1** – Demolition and Excavation works;
- (b) **Construction Stage 2** – Construction of all below ground structures; and
- (c) **Construction Stage 3** – Construction of all above ground structures, including fit-out and landscaping of the site.
- (d) Various conditions in this consent make reference to the requirements of conditions and the stage in which they may be satisfied.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/700, dated 29 May 2013, and the following drawings:

Drawing Number	Architect	Date
DA 1000 B <i>Site Plan</i>	MPRDG	22 May 2013
DA 2000 B <i>Basement Plan</i>	MPRDG	22 May 2013
DA 2001 B <i>Ground Floor Plan</i>	MPRDG	22 May 2013
DA 2002 B <i>Level 1 Plan</i>	MPRDG	22 May 2013

Drawing Number	Architect	Date
DA 2003 B <i>Level 2 Floor Plan</i>	MPRDG	22 May 2013
DA 2004 B <i>Level 3 Floor Plan</i>	MPRDG	22 May 2013
DA 2005 B <i>Level 4 Floor Plan</i>	MPRDG	22 May 2013
DA 2006 B <i>Level 5 Floor Plan</i>	MPRDG	22 May 2013
DA 2007 B <i>Level 6 Floor Plan</i>	MPRDG	22 May 2013
DA 2008 B <i>Roof Plan</i>	MPRDG	22 May 2013
DA 2300 B <i>North & South Elevations</i>	MPRDG	24 May 2013
DA 2301 B <i>West Elevation</i>	MPRDG	24 May 2013
DA 2400 B <i>Cross Sections A & B</i>	MPRDG	22 May 2013
DA 2401 B <i>Cross Section C</i>	MPRDG	22 May 2013
DA 2601 C <i>Unit Type 2A & 2A Adaptable</i>	JPR Architects	23 October 2013
DA 2603 C <i>Unit Type 3A & 3A Adaptable</i>	JPR Architects	23 October 2013
DA 2604 C <i>Unit Type 3B & 3B Adaptable</i>	JPR Architects	23 October 2013
DA 2065 C <i>Unit Type 3C & 3C Adaptable</i>	JPR Architects	23 October 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 payment of monetary contributions as stipulated at Schedule 1 of the Voluntary Planning Agreement shall be paid prior to the issue of any Construction Certificate for the development.

The completion of the developer's works as stipulated within the executed Voluntary Planning Agreement shall be completed and dedicated to Council prior to the issue of any Occupation Certificate.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Individual Apartment Entries – Elizabeth Street frontage

- (a) Amended plans shall be submitted to provide individual entries from the Elizabeth Street frontage of the site to ground floor level apartments in Building D numbered D-G31, D-G37 and D-G38 and Level 1 apartment in Building B numbered B-111.

Car Park Ventilation Louvres

- (b) Amended plans shall be submitted to further refine the materials, colour scheme and use of landscape screening of the car park ventilation louvres located on the northern elevation of Building A and western elevations of Buildings B and D to minimise the visual impact of these service louvres on the facade.

Installation of Privacy Screens

- (c) Amended floor plans and southern elevation plan shall be submitted to include the installation of privacy screening along the southern elevation of the balconies of apartments numbered D-135, D-235, D-335, D-435, D-535 in Building D. These screens shall be to a minimum height of 1.6 metres above the finished floor level of each balcony and shall be designed to prevent views from these balconies towards the eastern elevation windows and balconies of the adjacent apartment building at 824-828 Elizabeth Street.

Exterior shade structures/devices on western elevation

- (d) Further details and amended elevation plans shall be submitted to demonstrate shade and weather protection screening to the glazing of habitable rooms on the western elevation of the development.

External Materials and Colour Scheme

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

The amended plans shall be submitted to, and approved by, Council's Director City Planning, Development and Transport prior to a Stage 2 Construction Certificate being issued.

(5) ON-SITE GARBAGE COLLECTION

The garbage/waste collection area and vehicle turntable located at the basement level of the development shall be redesigned to accommodate a Council waste collection vehicle of 9.24 metres in length in accordance with the City's 'Policy for Waste Minimisation in New Developments 2005'.

An amended basement floor plan shall be submitted to illustrate a vehicle turntable with sufficient dimensions to accommodate a standard Council waste collection vehicle, with this plan to include any reconfiguration required to the basement layout in order to accommodate this revised garbage collection area.

The amended plans are to be submitted and approved by the Director City Planning, Development and Transport prior to the issue of a Stage 2 Construction Certificate.

(6) 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 (being drawings numbered DA 6000B and DA 6001B), prepared by MPRDG, dated 22 May 2013, as amended by Condition 4(e) of this consent.

(7) DESIGN QUALITY EXCELLENCE

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

(8) GROSS FLOOR AREA

The following applies:

- (a) The total Gross Floor Area of the development is 11,283sqm as calculated in accordance with the definition contained within the Sydney Local Environmental Plan 2012.

- (b) Prior to a final 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.

(9) BUILDING HEIGHT

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

	RL to the parapet of the building	RL to the top of the skylights
Building A	48.45	N/A
Building B	48.25	48.45
Building C	45.15	45.35
Building D	45.65	45.85

- (b) Prior to an Occupation Certificate being issued for Stage 3, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(10) 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.

(11) USE - SEPARATE DA REQUIRED

A separate development application for the fit-out and use of the retail tenancy must be submitted to and approved by Council prior to that fit-out or use commencing.

(12) USE OF COMMON AREAS AND FACILITIES

The club area and landscaped open space 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.

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

In accordance with Clause 7.13 of Sydney Local Environmental Plan 2012, and prior to any Construction Certificate being issued, 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 is \$1,926,234.87 based on the in lieu monetary contribution rate for non-residential development at \$45.61 per square metre of total non-residential floor area of 70sqm, and for residential development at \$136.87 per square metre of total residential floor area of 14,081sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted (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 (\$)).

(14) 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 Category	Amount
Community Facilities	\$274,159.85
Public Domain	\$168,866.65
New Open Space	\$1,315,770.08
New Roads	\$334,168.48
Accessibility	\$13,859.95
Management	\$14,985.80
Total	\$2,121,810.81

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

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

where:

C is the original contribution amount as shown above;

CPI_2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI_1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – September Quarter 2013.

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

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au 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.

(15) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed business identification signs (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.

(16) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 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 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.

(17) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

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

(18) 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.

(19) 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.

(20) CAR PARKING SPACES AND DIMENSIONS

A maximum of 122 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 Stage 2 Construction Certificate being issued.

(21) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 2 Construction Certificate being issued.

All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(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 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) 107 residential parking spaces.
- (b) 14 residential visitor parking spaces.
- (c) 1 retail/commercial parking space.

(23) SERVICE VEHICLES

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

(24) SERVICE VEHICLE SIZE LIMIT

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

(25) 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.

(26) 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.

(27) 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.

(28) 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".

(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 a Stage 2 Construction Certificate being issued.

(30) 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.

(31) BICYCLE PARKING

A total of 199 bicycle parking spaces are to be provided. Of these:

- (a) A minimum of 170 of the spaces must be either class 1 or an on title storage area of the same dimensions;
- (b) A minimum of 17 spaces must be class 3 and available for the residential visitors to the site; and
- (c) A minimum of 2 spaces must be class 2 and available for the commercial staff at the site.

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

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and

- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(32) VEHICLE ACCESS

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

(33) SIGNS AT EGRESS

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

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

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) 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.

(39) 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".

(40) 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.

(41) LAND REMEDIATION

- (a) The Detailed Environmental Site Assessment, prepared by DLA Environmental, dated May 2013 (Revision R01, Project DL3043_S000611) shall be completed and the final Detailed Site Assessment shall be submitted to Council and the NSW accredited Site Auditor, James Davies of Environview PTY LTD, for approval immediately after demolition and prior to the execution of works associated with the built form (excluding building work directly related to remediation).
- (b) Any new information which comes to light during completion of the Detailed Site Assessment as recommended in (a) above, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.
- (c) The site is to be validated as being suitable for the proposed use prior to the installation of any foundations and above ground works in accordance with the Detailed Environmental Site Assessment by DLA Environmental dated May 2013 Revision R01, Project DL3043_S000611 and in accordance any further recommendations by the NSW accredited site auditor following completion of the Detailed Environmental Assessment.

(42) SITE AUDIT STATEMENT

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

(43) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations outlined within the submitted Acoustic Report, prepared by Acoustic Logic, dated November 2012 (Report reference 20120949.1/1210A/R0/BW) must be implemented during construction and use of the premises, including all recommended ameliorative measures outlined at Section 4.7 and tables 4 and 5 of this report.

Further to the above, the recommendations of the Acoustic Report must be amended to include recommended treatments for the flooring of the external access walkways within the development to minimise noise transmission from footfall, considering the proximity to bedroom windows within the development. An amended copy of this Acoustic Report must be submitted to Council prior to the issue of a Stage 3 Construction Certificate.

(44) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
 - (iii) 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.

For internal residential amenity only:

- (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.

(45) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

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

(46) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the ameliorative measures recommended within Section 7 of the submitted Noise Impact Assessment, prepared by Acoustic Logic, dated November 2012 (Reference 20120949.1/1210A/R0/BW).
- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the Council's noise criteria stated in the Construction Hours/Noise Code 1992, and are giving rise to sustained complaints, then the contractor must provide regular, appropriate and sustained periods of respite in accordance with the "Use of Appliances of a Highly Intrusive Nature" condition (below).

(47) 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 9am to 12pm and 2pm to 5pm Mondays to Fridays and 9am to 12pm and 2pm to 3.30pm Saturdays.
- (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'.

(48) 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.

(49) 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 Stage 3 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.

(50) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988, prior to the issue of a Construction Certificate.

(51) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

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

(52) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council prior to a Stage 2 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued 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.

(53) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 2 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.

(54) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to an 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.

(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(56) 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.
 - (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.
 - (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.

(57) EROSION AND SEDIMENT CONTROL

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

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

(58) DILAPIDATION REPORT

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 824-828 Elizabeth Street and 1-5 and 7-11 Hunter Streets 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 any 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.

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

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

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

- (a) Prior to any Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
- (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
- (i) Evidence of a \$10 million 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 an 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.

(60) 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.

(61) 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 a Stage 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) 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 Stage 3 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.

(62) 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 Stage 3 Construction Certificate being issued.

(63) TREES APPROVED FOR REMOVAL

All trees, detailed in the following table, are approved for removal. The tree numbers and locations in the following table correlate with the tree references in the 'Pre Development Tree Assessment', prepared by Stuart Pittendrigh, dated January 2013.

Tree No:	Botanical Name	Location
1-2	Ficus benjamina	McEvoy Street setback
3-5	Gleditsia triacanthos	McEvoy Street setback
15-16	Gleditsia triacanthos	Elizabeth Street setback

(64) TREES THAT MUST BE RETAINED

- (a) No approval is granted for the removal of the trees listed in the following table, which Council has determined to be prominent landscape elements.
- (b) The tree numbers and locations in the following table correlate with the tree references in the 'Pre Development Tree Assessment', prepared by Stuart Pittendrigh, dated January 2013.

Tree No:	Botanical / Common Name	Location
6-11	Melalueca quinquenervia	Street Trees – Elizabeth Street
12-14	Melalueca quinquenervia	Street Trees – McEvoy Street

(65) 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) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within Structural Root Zone (SRZ) distances detailed in the table below;

- (b) Excavation must not occur within the Structural Root Zone of any street tree detailed in the table below. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction;

SRZ Schedule:

Tree No	Species Name	Location	Radius (m) from Trunk
6	Melalueca quinquenervia	Elizabeth Street	3.6 metres
7	Melalueca quinquenervia	Elizabeth Street	2.8 metres
8	Melalueca quinquenervia	Elizabeth Street	2.8 metres
9	Melalueca quinquenervia	Elizabeth Street	2.8 metres
10	Melalueca quinquenervia	Elizabeth Street	2.5 metres
11	Melalueca quinquenervia	Elizabeth Street	2.8 metres
12	Melalueca quinquenervia	McEvoy Street	3.1 metres
13	Melalueca quinquenervia	McEvoy Street	2.9 metres
14	Melalueca quinquenervia	McEvoy Street	2.8 metres

- (c) Tree trunk protection shall be undertaken prior to the issuing of the Construction Certificate. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include:
- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s must be protected by wrapped hessian or similar material to limit damage; and
 - (iii) Timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iv) Tree trunk protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- (d) 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.
- (e) Materials or goods, including site sheds, must not be stored or placed:
- (i) Around or under the tree canopy; or
 - (ii) Within two (2) metres of the trunks or branches of any street trees.
- (f) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street

Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(66) SERVICES

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

(67) STREET TREE PRUNING

- (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'.

(68) 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 installation of the driveway crossover located at the south-east corner of the site;
 - (iii) During excavation and trenching within the Structural Root Zone of any street tree listed for retention; and
 - (iv) During any Landscape works within 3 metres of the trees trunk.
- (b) A Final Compliance Report shall 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).

(69) ADVANCE 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 any Occupation Certificate.

- (a) Four (4) trees are to be planted within the deep soil planting area at the completion of all construction works.
- (b) The tree species, when mature, must attain a minimum height of no less than eight (8) metres and minimum canopy spread of three (3) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (d) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 2.2 metres.
- (e) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (f) 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.
- (g) 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.
- (h) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

(70) 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.

(71) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of any 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.

(72) 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 2 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(73) NOISE CONTROL VERIFICATION

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

This statement shall certify that the acoustic mitigation measures outlined at Section 4.7 and Tables 4 and 5 of the Acoustic Report, prepared by Acoustic Logic, dated November 2012 (Reference 20120949.1/1210A/R0/BW) have been suitably incorporated into the development and that relevant noise amenity criteria set out within the Sydney Development Control Plan 2012 and AS 2107 have been satisfied prior to issue of Occupation Certificate.

The verification report must also include any mechanical services plant and equipment installed on the premises and confirm that the maximum operational noise levels from their use complies with the noise criteria set out within the Council's "Noise General" condition.

(74) 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.

The report must:-

- (a) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
- (b) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Central Sydney DCP.

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.

(75) FLOOR TO CEILING HEIGHT

Prior to a Stage 3 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.

(76) 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 a Stage 3 Construction Certificate being issued.

(77) ADAPTABLE HOUSING

Prior to a Stage 3 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.

(78) PHYSICAL MODELS

- (a) Prior to a Stage 3 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 modellers 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.

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

- (a) Prior to a Stage 3 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.

(80) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to 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 \$1,415,000 as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,415,000; 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; and
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(81) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of an area of 166 lineal metres of asphalt 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.

(82) 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.

(83) 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 and approved by Council's Public Domain Section prior to a Stage 2 Construction Certificate being issued.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

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.

(84) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage 2 Construction Certificate being issued, 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.

(85) 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 to the existing stormwater pipe within the easement and 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. The existing stormwater pipe within the easement should be structurally adequate and required hydraulic capacity as required in Council Engineering Standards.
- (b) A final stormwater drainage plan shall generally be in accordance with the Concept Plan (reference 1222/SW 01-11), prepared by DP Consulting Group Pty Ltd. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (c) 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.

- (d) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (e) 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.
- (f) 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.

(86) 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 any 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).

(87) 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".

(88) 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.

(89) 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.

(90) 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 Elizabeth Street and as stipulated in 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.

(91) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council and the subsequent approval of the plan of subdivision and issue of

a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(92) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(93) 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 3 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.

(94) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

(95) EMISSIONS

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

(96) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 3 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.

(97) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

(98) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

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

Prior to the issue of a Stage 2 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).

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (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) Heating appliances, fireplaces, chimneys and flues - Part G2;
 - (xviii) Atrium construction - Part G3;
 - (xix) Energy Efficiency - Part J7.
- (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.

(101) 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.

(102) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(103) 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.

(104) BASIX

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

(105) 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.

(106) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

(107) 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.

(108) 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.

(109) 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.

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) ENCROACHMENTS – WIDENING OF ELIZABETH STREET

No portion of the proposed structure, including gates and doors opening and closing operations, shall encroach upon the area to be dedicated as road widening of Elizabeth Street.

(115) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(116) 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.

(117) 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.

(118) 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.

(119) 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.

(120) WASTEWATER TREATMENT DEVICES

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation

(121) RAINWATER HARVESTING & RAINWATER TANKS

(a) Use

Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

(b) Installation requirements

- (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
- (ii) Rainwater tanks shall be designed to include, but not be limited to the following:-
- (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
- (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.

- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible "air gap" external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater.. This device must meet the requirements of Sydney Water.

- (xi) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

(c) Proximity to other services

That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

- (e) Maintenance
 - (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
 - (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

SCHEDULE 2

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

SCHEDULE 3

(122) ROADS AND MARITIME SERVICES CONDITIONS

- (a) A Roads and Maritime Services (RMS) proposal for the widening of McEvoy Street affects the subject property by a cut-off measuring 5.49 metres by 5.49 metres on the corner of McEvoy Street and Elizabeth Street – DP 252608. This proposal was notified in Government Gazette No. 161 of 31 October 1980 as Road Widening Order under the provisions of Section 25 of the Roads Act 1993.
- (b) All new building or structures shall be erected clear of the land required for road and the existing McEvoy and Elizabeth Street road reserves (unlimited in height of depth).
- (c) The area required for road should be identified as a separate lot in any plan of subdivision.
- (d) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS, in this regard, a swept path plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (e) All works associated with the proposed development shall be at no cost to the RMS.

Carried unanimously.

ITEM 5 POST EXHIBITION - AMP CIRCULAR QUAY PRECINCT - PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN, PLANNING AGREEMENTS AND AMENDMENT TO CITY OF SYDNEY COMPETITIVE DESIGN POLICY (S088527)

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr John Freeman.

Moved by Councillor Mant, seconded by Mr Rockliff -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the Planning Proposal: AMP Circular Quay Precinct; Sydney Development Control Plan 2012 – AMP Circular Quay Precinct, Amendment to the City of Sydney Competitive Design Policy and Planning Agreements with AMP Circular Quay Precinct land owners as shown at Attachment C and in the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal: AMP Circular Quay Precinct, as shown at Attachment D to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 to approve the Sydney Development Control Plan 2012 – AMP Circular Quay Precinct, as amended and shown at Attachment E to the subject report, specifying the date of publication of the subject local environmental plan as the date the approved development control plan comes into effect, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 to approve the Amendment to the City of Sydney Competitive Design Policy, as shown at Attachment F to the subject report;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal: AMP Circular Quay Precinct; Sydney Development Control Plan 2012 – AMP Circular Quay Precinct, and Amendment to the City of Sydney Competitive Design Policy to correct any minor drafting errors;
- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Agreements, as shown at Attachment G and Attachment H to the subject report, and to enter into the Agreements on behalf of Council with the relevant proponents in accordance with the Environmental Planning and Assessment Act 1979;

- (G) the Central Sydney Planning Committee note that the local environmental plan will not be made until the Planning Agreement shown at Attachment G has been entered into by the Council and the relevant proponents and registered on title of the relevant properties; and
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that authority be delegated to the Chief Executive Officer to amend Planning Proposal: AMP Circular Quay Precinct shown at Attachment D to defer the Gallipoli Club site at 12 Loftus Street, Sydney (Lot 1 DP87960) from the local environmental plan amendment described in clause (B) above, in the event that the Planning Agreement shown at Attachment H is not entered into by the Council and the relevant proponents within a reasonable period of time from the date at which the Planning Agreement shown at Attachment G is entered into.

Carried unanimously.

ITEM 6 POST-EXHIBITION OF PLANNING PROPOSAL - SITES 57 ASHMORE STREET AND 165-175 MITCHELL ROAD, ERSKINEVILLE AND DRAFT ASHMORE DEVELOPMENT CONTROL PLAN AND INFRASTRUCTURE PLAN (S064382-04)

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee, Relevant to Item 6, dated 5 December 2013, was circulated to members prior to the meeting of the Committee.

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville and draft Sydney Development Control Plan 2012 amendment – Ashmore Precinct, as outlined in the subject report and Attachment F to the subject report;
- (B) the Central Sydney Planning Committee approve the revised Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville as amended and shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee approve an amendment to the Planning Proposal shown at Attachment A, that amends Schedule 1 of the Sydney Local Environmental Plan 2012 to permit “depot, hardware and building supplies, timber yard, light industry, and warehouse or distribution” as permissible uses on the land at 57 Ashmore Street, Erskineville;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that Council approve the revised Sydney Development Control Plan 2012 amendment – Ashmore Precinct, as amended and shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan in so far as it applies to sites 57

Ashmore Street and 165-175 Mitchell Road, Erskineville, and that it will come into effect on the date of the public notice given in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 in so far as it applies to the remainder of the sites in the Ashmore Precinct;

- (E) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal to correct any minor drafting errors;
- (F) the Central Sydney Planning Committee note that the Ashmore Infrastructure Plan 2013, shown at Attachment C to the subject report, will be reviewed every six months, and published on the City's website for review by all stakeholders; and
- (G) the Central Sydney Planning Committee note that the Ashmore Infrastructure Plan 2013 is to be used as a framework document to continue discussions with the relevant State Government agencies on the provision of essential Infrastructure.

Carried unanimously.

ITEM 7 POST EXHIBITION - PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - DESIGN EXCELLENCE INCENTIVE (S116203)

Moved by Mr Knowles, seconded by Mr Rockliff -

It is resolved that:

- (A) the Central Sydney Planning Committee note the submission received in response to the public exhibition of Planning Proposal: Sydney Local Environmental Plan 2012 Design Excellence Incentive, as outlined in the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal: Sydney Local Environmental Plan 2012 Design Excellence Incentive, shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal necessary to correct minor drafting errors prior to submission to Parliamentary Counsel for legal drafting; and
- (D) the Central Sydney Planning Committee note that authority is delegated to the Chief Executive Office to make the local environmental plan and request its notification on the New South Wales Legislation website following finalisation of drafting by Parliamentary Counsel.

Carried unanimously.

ITEM 8 POST EXHIBITION - NORTH ROSEBERY PRECINCT - PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT (S111824)

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Angelo Candalepas.

Moved by Mr McGaffin, seconded by Councillor Green -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal: North Rosebery Precinct and Draft Sydney Development Control Plan 2012 Amendment - North Rosebery Precinct, as shown at Attachment C to the subject report;
- (B) under section 39(1) of the City of Sydney Act 1988, the Central Sydney Planning Committee approve the Planning Proposal: North Rosebery Precinct, as amended and shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that Council approve the draft Sydney Development Control Plan 2012 Amendment – North Rosebery Precinct, as amended and shown at Attachment B to the subject report, noting that the approved development control plan comes into effect on the date of publication of the subject local environmental plan in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal.

Carried unanimously.

ITEM 9 105-115 PORTMAN STREET ZETLAND (GREEN SQUARE TOWN CENTRE) - ESSENTIAL TERMS FOR DRAFT VOLUNTARY PLANNING AGREEMENT - PUBLIC EXHIBITION AND SITE UN-DEFERRAL (S108048)

Moved by Mr Knowles, seconded by Mr Rockliff -

It is resolved that the Central Sydney and Planning Committee:

- (A) note that the report to Council's Planning and Development Committee on 3 December 2013 recommends that authority be delegated to the Chief Executive Officer to prepare and publicly exhibit a draft voluntary Planning Agreement for the site at 105-115 Portman Street, Zetland, in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, that will require the landowner to deliver the following public benefits:
 - (i) the dedication to Council of approximately 64 square metres of land in stratum for the widening of the Botany Road footpath and the construction of the new footpath;

- (ii) the dedication to Council of approximately 680 square metres of land in stratum for the purpose of a public road being part provision of Hinchcliffe Street and the construction of this part of the public road;
 - (iii) the dedication to Council of approximately 2,592 square metres of land in fee simple for the purpose of a public road being part provision of Paul Street and the construction of this part of the public road;
 - (iv) the dedication to Council of approximately 759 square metres of land in fee simple for the purpose of a public road being part provision of Sonny Leonard Street and the construction of this part of the public road;
 - (v) the dedication to Council of approximately 120 square metres of land in stratum above a tunnel between basements on Sites 12A and 12B for the purpose of a public road being part provision of Sonny Leonard Street and the construction of this part of the public road;
 - (vi) the dedication to Council of approximately 252 square metres of land in fee simple for the purpose of a public lane from Dunning Avenue to Portman Street and the construction of the public lane;
 - (vii) the construction of an approximately four metre wide publicly accessible through-site link from Sonny Leonard Street to Geddes Avenue;
 - (viii) the payment to Council of a cash contribution for 'essential infrastructure' in accordance with the 'Development Rights Scheme' in the Green Square Town Centre Infrastructure Strategy (2006), less the cost of any works-in-kind delivered for public domain; and
 - (ix) the design and construction of any proposed building to be capable of being connected to the Green Infrastructure that is to be provided by Council to the boundary of the site;
- (B) note that the report to Council's Planning and Development Committee on 3 December 2013 recommends that following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to the draft voluntary Planning Agreement to finalise matters raised during public exhibition and execute the voluntary Planning Agreement, subject to the voluntary Planning Agreement remaining consistent with the terms detailed in clause (A) above;
- (C) note that the report to Council's Planning and Development Committee on 3 December 2013 recommends that authority be delegated to the Chief Executive Officer to negotiate with the landowner and prepare a draft Green Infrastructure Deed that includes:
- (i) provision to allow the Council and the land owner to ensure that there is adequate notice provided to each party with regard to the delivery of the Green Infrastructure. The provisions are to allow for the consideration of contingencies with regard to the design of the buildings in the event that the Green Infrastructure cannot be delivered within specified time periods; and
 - (ii) provisions to enable the parties to the Deed to agree to alternative arrangements in the event that the Green Infrastructure cannot be delivered within the specified time periods;

- (D) note that the report to Council's Planning and Development Committee on 3 December 2013 recommends that following public exhibition of the draft voluntary Planning Agreement, authority be delegated to the Chief Executive Officer to make any minor changes to and execute the draft Green Infrastructure Deed, subject to the terms of the Green Infrastructure Deed being consistent with the terms detailed in clause (C) above;
- (E) approve, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clauses (A) and (C) above, the un-deferral of the land at 105-115 Portman Street, Zetland from Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013 to give effect to Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O'Riordan Street and 2A Bourke Road, Alexandria, to the extent that it applies to the subject land; and
- (F) note that the report to Council's Planning and Development Committee on 3 December 2013 recommends that Council request the Minister for Planning and Infrastructure un-defer land at 501-509 Botany Road, Zetland in accordance with Section 59 of the Environmental Planning and Assessment Act, subject to execution of the voluntary Planning Agreement by the Chief Executive Officer and the landowner in accordance with the terms detailed in clause (A) above;
- (G) note that it is intended that the request for un-deferral of the land, detailed in clause (F) above, will include a Floor Space Ratio Map showing a 3.35:1 FSR to account for the plan of subdivision registered on 31 January 2013, shown at Attachment A to the subject report.

Carried unanimously.

**ITEM 10 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2014
(S106508)**

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

It is resolved that the Central Sydney Planning Committee adopt the Schedule of Meetings and Briefings for 2014, as shown at Attachment A to the subject report.

Carried unanimously.

The Schedule of Meetings and Briefings for 2014, as adopted by the Central Sydney Planning Committee, is as follows:

2014 PROGRAM OF MEETINGS

DATE	MEETING
THURSDAY 13 FEBRUARY	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 20 FEBRUARY	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 6 MARCH	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 13 MARCH	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 27 MARCH	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 3 APRIL	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 1 MAY	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 8 MAY	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 12 JUNE	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 19 JUNE	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 17 JULY	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 24 JULY	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 14 AUGUST	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 21 AUGUST	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 4 SEPTEMBER	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 11 SEPTEMBER	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 23 OCTOBER	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 30 OCTOBER	<ul style="list-style-type: none">• CSPC MEETING

2014 PROGRAM OF MEETINGS

DATE	MEETING
THURSDAY 27 NOVEMBER	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 4 DECEMBER	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 11 DECEMBER	<ul style="list-style-type: none">• CSPC RECESS
THURSDAY 18 DECEMBER	<ul style="list-style-type: none">• CSPC RECESS

The recess continues until the first Central Sydney Planning Committee meetings of 2015.

The meeting of the Central Sydney Planning Committee concluded at 5.50pm.

CHAIR