

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 399
Thursday 20 February 2014
Notice Date 14 February 2014

minutes

city of villages

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PRESENT

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

Members - The Hon Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Richard Pearson (Deputy Director General, Growth Planning and Delivery, NSW Department of Planning and Infrastructure), Mr Peter Poulet, The Hon Robert Webster.

At the commencement of business at 5.05pm, those present were -

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

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

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

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

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

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

ITEM 2 CONFIRMATION OF MINUTES

Moved by Councillor Mant, seconded by Councillor Kok -

That the minutes of the meeting of the Central Sydney Planning Committee of 5 December 2013, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 5 December 2013.

At this stage of the meeting, it having been agreed that these matters be dealt with together, it was moved by Mr Knowles, seconded by Mr Webster -

That the officers' recommendations for Items 4, 5, 6, 7, 8, 9 and 10, as follows, be adopted.

Carried unanimously.

ITEM 4 SECTION 96 APPLICATION: 137-151 CLARENCE STREET SYDNEY (D/2012/1453)

It is resolved that consent be granted to Section 96A Application No. D/2012/1453/A, subject to Condition 1 (Approved Development) being modified (with modifications shown in ***bold italics*** (additions) and **~~*bold italics strikethrough*~~** (deletions)) as follows:

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 an Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2012/1453, dated 20 September 2012, and the following drawings:

Drawing Number	Architect	Date
DA S1 01 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 02 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 03 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 04 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 05 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 06 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 07	Architectus	19/9/12
DA S1 08 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 09 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 10 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 11 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 12 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 13 <i>Issue B</i>	Architectus	19/9/12 29/10/13
DA S1 14 <i>Issue B</i>	Architectus	19/9/12 29/10/13

and as amended by the conditions of this consent:

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

(As modified by D/2012/1453/A, dated 20 February 2014)

(2) MATTERS NOT APPROVED

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

- (a) any demolition, construction, refurbishment and/or excavation; and
- (b) the layout, number of basement levels and number of car parking spaces.

(3) BUILDING ENVELOPE

The building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application process.

(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- (a) A competitive design process in accordance with the provisions of Sydney LEP 2005 and Central Sydney DCP 1996 shall be conducted prior to the lodgement of a Stage 2 Development Application.
- (b) The detailed design of the development must exhibit design excellence.

(5) BUILDING HEIGHT

The maximum height of the building as defined in the Sydney Local Environmental Plan 2005 (as may be amended) must not exceed 80 metres.

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and calculated in accordance with the Sydney Local Environmental Plan 2005 (as may be amended). Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.
- (b) The floor space in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 62 of the Sydney Local Environmental Plan 2005 (as may be amended).

(7) THROUGH SITE LINK (MID BLOCK CONNECTION)

Details of the proposed pedestrian through site link are to be submitted with the Stage 2 application. These details are to include:

- (a) detailed design and view analysis;

- (b) view analysis from/to Clarence Street through the link from/to Kent Street. A visual connection between the streets is to be provided;
- (c) levels; and
- (d) proposed easement.

(8) BREAK THROUGH PANELS

The future Stage 2 application should investigate the opportunity for a connection/s into the adjoining property at 153-159 Clarence Street, Sydney to allow for possible future vehicle access between the two sites and sharing of driveways. Details shall be submitted as part of the future Stage 2 Development Application.

(9) EXPOSED ELEVATIONS

- (a) A visually interesting treatment is to be applied to the exposed side elevations along the north and south boundaries. In applying this treatment, care should be taken to ensure that there are no unreasonable impacts on the neighbouring properties. Details shall be submitted as part of the future Stage 2 Development Application.
- (b) Signage zones are not permitted on the side boundary elevations.
- (c) The above design elements are to form part of the design competition brief.

(10) CLARENCE STREET AND KENT STREET ELEVATIONS

- (a) The design of the building should respond to the high quality masonry facades of the surrounding palazzo and warehouse development comprising masonry facades of high quality, strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level, and high quality materials that provide a compatible response to surrounding development should be incorporated into the design.
- (b) There are significant axial views to the site looking west to the site from the former GPO building and from Barrack Street that should be enhanced by the architectural design of the Kent Street façade. There are significant views from the site to the east along Barrack Street, towards George Street, down to the Sydney General Post Office Building that should be taken advantage of, and enhanced by careful framing.
- (c) The design for the development should respond to major horizontal elements of the former Hoffnung and Co warehouse in a similar manner.
- (d) The above design elements are to form part of the design competition brief.

(11) SECTION 61 CONTRIBUTIONS

The future Stage 2 Development Application will be subject to a cash contribution comprising 1% of the total cost of development. The contribution is payable to the City of Sydney pursuant to Section 61 of the City of Sydney Act 1988 and Central Sydney Contribution (Amendment) Plan 2002.

(12) PUBLIC DOMAIN PLAN

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

(13) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

Details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted with the Stage 2 application.

The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.

(14) WASTE COLLECTION

The future Stage 2 Development Application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005.

(15) ELECTRICITY SUBSTATION

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 the approval of Council and Ausgrid with any future Stage 2 Development Application.

(16) ACID SULFATE SOILS

An Acid Sulfate Soils Management Plan for the development must be prepared by an appropriate qualified consultant and submitted with the Stage 2 Development Application. This plan shall be prepared in accordance with the Acid Sulfate Soils Manual.

(17) 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".

(18) TRANSPORT ROADS AND MARITIME SERVICES CONDITIONS

- (a) The layout of the proposed driveway should be in accordance with AS2890.1-2004 and AS2890.2-2002.
- (b) 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 as part of the Stage 2 application which shows the development complies with this requirement.
- (c) All works/regulatory signposting associated with the proposed development shall be at no cost to the Roads and Maritime Services (RMS).

SCHEDULE 2

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

Carried unanimously.

ITEM 5 DEVELOPMENT APPLICATION: 40 - 46 MCEVOY STREET WATERLOO (D/2013/1150)

It is resolved that:

- (A) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, the consent authority waive the requirements for the preparation of a site specific development control plan as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012, the consent authority award 10% additional floor space to the development as the proposal exhibits design excellence;
- (C) pursuant to the provisions of Clause 4.6 of Sydney Local Environmental Plan 2012, the variation sought to Clause 4.4 Floor Space Ratio 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/2013/1150, subject to the following deferred commencement conditions:

The consent is not to operate until the following conditions are satisfied within 24 months of the date of this determination:

(1) PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by Karimbla Properties (No 30) Pty Ltd on 13 November 2013 be executed and submitted to Council; and

- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.

(2) LAND REMEDIATION

A Remediation Action Plan (RAP) is to be submitted to Council and must refer to further information detailed within Number 1-3 page 3, Interim Advice 2 reference 13045, prepared by NSW EPA Accredited Site Auditor Kylie Lloyd from Zoic Environmental Pty Ltd, dated 29th November 2013.

The RAP must be prepared in accordance with the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites" and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines" and Council's Development Control Plan "Contaminated Land."

Note: The RAP shall be reviewed by a NSW EPA Accredited Site Auditor and include a statement issued by the auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before any consent is granted.

- (E) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of the determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (F) the consent will not operate until such time that the Council notifies the Applicant, in writing, that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (G) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1150 dated 9 August 2013, amended on 15 November 2013, and the following drawings:

Drawing Number	Revision	Architect	Date
A099	C	Tony Caro Architecture	14 November 2013
A100	F	Tony Caro Architecture	14 November 2013
A101	F	Tony Caro Architecture	14 November 2013
A102	F	Tony Caro Architecture	14 November 2013
A103	F	Tony Caro Architecture	14 November 2013
A104	F	Tony Caro Architecture	14 November 2013
A105	F	Tony Caro Architecture	14 November 2013
A106	G	Tony Caro Architecture	14 November 2013
A150	C	Tony Caro Architecture	14 November 2013
A151	C	Tony Caro Architecture	14 November 2013
A152	C	Tony Caro Architecture	14 November 2013
A153	C	Tony Caro Architecture	14 November 2013
A154	C	Tony Caro Architecture	14 November 2013
A155	C	Tony Caro Architecture	14 November 2013
A156	C	Tony Caro Architecture	14 November 2013
A157	C	Tony Caro Architecture	14 November 2013
A158	C	Tony Caro Architecture	14 November 2013
A159	C	Tony Caro Architecture	14 November 2013
A160	C	Tony Caro Architecture	14 November 2013
A161	C	Tony Caro Architecture	14 November 2013
A200	D	Tony Caro Architecture	14 November 2013
A300	C	Tony Caro Architecture	14 November 2013
A301	D	Tony Caro Architecture	14 November 2013
A310	D	Tony Caro Architecture	14 November 2013
A311	D	Tony Caro Architecture	14 November 2013
A312	E	Tony Caro Architecture	14 November 2013
A400	C	Tony Caro Architecture	14 November 2013
A401	C	Tony Caro Architecture	14 November 2013
A402	C	Tony Caro Architecture	14 November 2013
A403	C	Tony Caro Architecture	14 November 2013
A404	C	Tony Caro Architecture	14 November 2013
A405	C	Tony Caro Architecture	14 November 2013
A406	C	Tony Caro Architecture	14 November 2013
A407	C	Tony Caro Architecture	14 November 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.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) Access to communal courtyards

- (i) Building A - provide doors from each residential lobby directly into the courtyard (north). The lobby in the north western corner of Building A requires relocation of the manager's room;

- (ii) Building B - provide a door from the southern residential lobby directly into courtyard (south); and
 - (iii) Building C - relocate the lift core and residential lobby to the west where kitchen in child care centre is currently located and provide a corridor to directly access courtyard (south).
- (b) **Light and ventilation to all corridors**
- (i) Insert a minimum 1.2m wide slot with opening to the corridor through unit 5, on levels 3, 4, 5 and 6 within the north eastern part of Building A; and
 - (ii) Insert a minimum 1.2m wide slot with opening to the corridor between units 9 and 10, on level levels 3, 4, 5 and 6 within the north western corner of Building A.
- (c) The rooms in the apartments nominated as “study” are to be modified to remove all doors to the rooms, delete any illustrated beds in the rooms and ensure that the area forms a contiguous part of surrounding area in the apartment.
- (d) Reduce the width of the vehicular driveway cross over to a maximum of 6 metres wide.
- (e) Design details of the proposed palisade style fencing to the ground floor residential apartments that address the street.

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

(3) DESIGN QUALITY EXCELLENCE

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

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use development must not exceed 2.2:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the child care centre component is 394.9sqm, of the retail component is 143sqm, of the residential component is 20929.8sqm, and the total Gross Floor Area is 21,468sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 39.6 (AHD) to the top of the building and RL 37.5 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(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, and specifications prepared by Tony Caro Architecture submitted with the application.

(7) USE - SEPARATE DEVELOPMENT APPLICATION REQUIRED

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

(8) USE OF COMMON AREAS AND FACILITIES

The courtyards and recreational pavilion 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.

(9) SIGNS - SEPARATE DEVELOPMENT APPLICATION REQUIRED

A separate development application for any proposed signs (other than signs under relevant exempt and complying policies) must be submitted to and approved by Council prior to the erection or display of any such signs.

(10) USE OF STUDY

The rooms in the apartments nominated as "study" shall be used for study and storage purposes and shall not be converted to a separate habitable bedroom.

(11) EASTERN BOUNDARY FENCE

A 2.4m high masonry wall (measured from the level of the adjoining land) is to be provided along the common eastern boundary (where the proposed buildings do not abut the boundary).

(12) DETAILS OF CHILD CARE CENTRE

The following details and information are to be submitted and approved by the Director City Planning, Development and Transport prior to any Construction Certificate for Building C being issued:

- (a) Detailed plans, sections and elevations specific to the child care centre, including the following modifications:
 - (i) A built in nappy change area is to be provided in the children's bathroom associated with the 0-2's and 2-3's playroom.
 - (ii) Provision of a bathroom for children adjoining the 3-5's playroom.
 - (iii) Provision of a laundry.
 - (iv) Provision of a separate entrance to the kitchen i.e. not through the staff room.
- (b) Confirmation of the number of children per room and that 33% of the child care places are for children aged under two years old.
- (c) Detailed landscape plan specific to the outdoor play area demonstrating compliance with the controls in 4.4.4.4 of Sydney DCP 2012. Detail includes but is not limited to, detail of designated areas for age groups, fencing, soft fall areas, shading devices and protection measures for falling objects from residential apartments.
- (d) An operational Plan of Management for the child care centre.
- (e) An Emergency Evacuation Plan for the child care centre.

(13) CAPACITY - CHILD CARE CENTRE

The total number of children at the centre at any one time must not exceed 58 per day, with the following limitations for each age group:

- (a) 33% of total number are to be 0-2 year olds.

The total number and age break down is subject to approval by the Department of Education and Communities (DEC) and any change to the figures stated above will require the lodgement of a Section 96 application to modify this consent to reflect the final numbers approved by the DEC.

(14) DEPARTMENT OF EDUCATION AND COMMUNITIES

- (a) A service approval to operate the child care centre must be obtained from the Department of Education and Communities prior to commencement of operations at the child care centre.

- (b) Full compliance with any service approval requirements of the Department of Education and Communities is required.

(15) EMERGENCY EVACUATION PLAN PRIOR TO OCCUPATION CERTIFICATE

Prior to issue of an Occupation Certificate the owner/operator must have in place an emergency evacuation plan that encompasses the requirements of the NSW Fire Brigade and outlines the procedures by which staff will be trained in emergency procedures.

(16) 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	\$513,289.26
Public Domain	\$316,156.58
New Open Space	\$2,463,419.24
New Roads	\$625,639.00
Accessibility	\$25,948.96
Management	\$28,056.81
Total	\$3,972,509.85

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

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

In accordance with Clause 27P of Sydney Local Environmental Plan 2012, and prior to a 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 \$3,480,959.74 based on the in lieu monetary contribution rate for non-residential development at \$45.61 per square metre of total non-residential floor area 692sqm, and for residential development at \$136.87 per square metre of total residential floor area 25,202sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an 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 (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 (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 (\$)).

(18) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal.
- (b) Table 1 – Trees to be removed during the development works.

Tree No:	Botanical Name / Common Name	Location
5	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Southern boundary – Allen St
6	<i>Agonis flexuosa</i> (Willow Myrtle)	Southern corner – crn Allen St & George St
7	<i>Eucalyptus racemosa</i> (Scribbly Gum)	Southern corner – crn Allen St & George St
12	<i>Populus deltoides</i> (Cottonwood)	Street Tree – George St
17	<i>Agonis flexuosa</i> (Willow Myrtle)	North-west corner – crn George St & McEvoy St
19	<i>Schinus areira</i> (Peppercorn tree)	Northern boundary – McEvoy St
21	<i>Liquidambar styraciflua</i> (Liquidambar)	Northern boundary – McEvoy St

- (c) Reference should be made to the Arboricultural Assessment Report prepared by 'TALC' dated 6 June 2013 for tree numbering and locations.

(19) TREES THAT MUST BE RETAINED

- (a) Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.
- (b) Table 2 – Tree Retention

Tree No:	Botanical / Common Name	Location
1 – 4	<i>Eucalyptus microcorys</i> (Tallow Wood)	Street trees – Allen St
8 – 11	<i>Populus deltoides</i> (Cottonwood)	Street Trees – George St
13 – 16	<i>Acmena smithii</i> (Lilly Pilly)	Eastern boundary – George St
18, 20, 22-23	<i>Liquidambar styraciflua</i> (Liquidambar)	Street trees – McEvoy St

- (c) Reference should be made to the Arboricultural Assessment Report prepared by 'TALC' dated 6 June 2013 for tree numbering and locations

(20) 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.

(21) 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.

(22) ACCESSIBLE PARKING SPACE

A minimum of 35 accessible parking spaces are to be provided.

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

(23) 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".

(24) BICYCLE FACILITIES

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

- (a) 1 shower with change area; and
- (b) 7 personal lockers.

(25) BICYCLE PARKING

A minimum of 268 bicycle parking spaces are to be provided across the site including a minimum of 232 Class 1 bicycle lockers, 7 Class 2 bicycle facilities and 29 Class 3 bicycle rails.

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.

Note: It is preferable that bicycle parking for visitors (i.e. Class 3 bicycle rails) are provided at ground floor level and not within the basement.

(26) CAR PARKING SPACES AND DIMENSIONS

A maximum of 177 off-street car parking spaces must be provided in the basement.

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

(27) PARKING ALLOCATION

The 177 car parking spaces in the basement are to be allocated so that the following maximums are not exceeded:

- (a) Residential – maximum 164 spaces;
- (b) Residential visitor– maximum 9 spaces;
- (c) Childcare centre – maximum 3 spaces (located below Building C); and
- (d) Retail – maximum 1 space.

Note: Childcare drop off/pick up spaces are also required to be provided within the basement.

(28) CHILD CARE DROP OFFS

- (a) A total of 7 childcare drop-off and pick-up parking spaces must be provided, of which a minimum of 4 are required off street (within the development).
- (b) These spaces are to be grouped together within the basement area, as close as possible to the lift shaft servicing the child care centre (under Building C).
- (c) 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 Certifying Authority prior to a Construction Certificate being issued.

(29) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Sydney Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the development use.

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

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

(30) 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.

(31) 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.

(32) 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.

(33) LOCATION OF ACCESSIBLE CAR PARKING SPACES

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

No accessible car parking spaces are to be located on a ramp.

(34) LOCATION OF VISITOR PARKING

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

(35) MOTORCYCLES

An area equivalent to a minimum of 4 car spaces (or 14 individual spaces) must be provided for motorcycles.

(36) 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.

(37) 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.

(38) 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.

(39) SERVICE VEHICLES

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

(40) SIGNS AT EGRESS

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

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

(41) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(42) 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.

(43) VEHICLE ACCESS

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

(44) 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.

(45) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (Levels 1 – 6 in Buildings A and B and Levels 2 – 6 in Building C) 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 flat building as defined 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.

(46) RESTRICTION ON USE OF CAR SPACES - MIXED USE

The following conditions apply to car parking:

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

(47) PARKING ON COMMON PROPERTY AREAS

No part of the common vehicular circulation and parking areas, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(48) CHILD CARE CENTRE – DROP OFF AND PICK UP CAR SPACES

- (a) The child care centre off-street drop-off and pick-up parking spaces are to be used only for the purpose of dropping off and picking up children attending the child care centre within the development.
- (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 spaces from drop-off and pick-up spaces for use only by the child care centre. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

(49) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent 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.

(50) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision will require development consent and therefore the lodgement 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 the Strata Schemes (Freehold Development) Act 1973.

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.

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

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

(52) 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, with attention drawn to travel distances from sole-occupancy unit doorways to exits;
 - (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;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1248.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) Provision for cleaning windows NSW - Part G1.101 & Outdoor Play Spaces G1.3;
 - (xviii) Energy Efficiency - Part J.
- (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.

(53) 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.

(54) 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.

(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(56) 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 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;
 - (vi) Removal of the pathway in the northern courtyard leading to the eastern boundary.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(57) LANDSCAPED (GREEN) ROOFS

Prior to the issue of a Construction Certificate the following design details of the proposed landscaped roof area should be submitted to and approved by Council:

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
- (i) Location of existing and proposed structures on the rooftop, including cross-sectional details of all components on the green roof;

- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Details of the soil / media depth with a preference for minimum soil depths of 200mm for grass, 400mm shrubs and 800mm for larger trees;
 - (iv) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, the following details need to be submitted and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development.
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) The rooftop concrete slab must be cured prior to installing waterproofing.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (e) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Director City Planning, Development and Transport. The maintenance plan is to be complied with during occupation of the property.

(58) TREE PROTECTION ZONE

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

TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
13	Acmena smithii	Eastern boundary – George Street	3.0 m
14	Acmena smithii	Eastern boundary – George Street	3.6 m
15	Acmena smithii	Eastern boundary – George Street	2.4 m
16	Acmena smithii	Eastern boundary – George Street	3.6 m

- (b) Amend the design of driveways, paths etc prior to the issuing of the Construction Certificate to ensure the TPZ specified in the table above is achieved for all trees listed for retention.
- (c) Each TPZ must be:
 - (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be damaged during the establishment or maintenance of the fencing;
 - (ii) Kept free of weed and grass for the duration of works;
 - (iii) Mulch installed / maintained to a depth of 75mm for the duration of works; and
 - (iv) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site.
- (d) The following works shall be excluded from within any TPZ:
 - (i) Soil cut or fill including excavation and trenching;
 - (ii) Soil cultivation, disturbance or compaction;
 - (iii) Stockpiling storage or mixing of materials;
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (v) The disposal of liquids and refuelling;
 - (vi) The disposal of building materials;
 - (vii) The sitting of offices or sheds;
 - (viii) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be:
 - (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
 - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council.

(59) 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.

(60) 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 demolition of any hardsurface material from within the Tree Protection Zone of any tree listed for retention;
 - (iii) During any excavation and trenching within the Tree Protection Zone;
 - (iv) During any Landscape works within 3 metres of the trees trunk.
- (b) A monthly 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 works undertaken on any tree to be retained or within TPZ/s;
 - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(61) TREE PRUNING (private property)

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

(62) STREET TREE PROTECTION

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

- (a) Tree trunk 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.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) Around or under the tree canopy; or
 - (ii) Within two (2) metres of the trunks or branches of any street trees.
- (d) 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.

(63) STREET TREE PRUNING AND REMOVAL

- (a) Approval is not granted for the removal of any street trees.
- (b) 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.
- (c) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council shall be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(64) DILAPIDATION REPORT – MAJOR EXCAVATION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of:
 - (i) 34-38 McEvoy Street, Waterloo; and

- (ii) 266 Pitt Street, Waterloo (also known as 25-33 Allen Street, Waterloo)

are to be prepared by an appropriately qualified structural engineer prior to commencement of excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of 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.

UPON COMPLETION OF CONSTRUCTION

- (c) A third Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of the development. A copy of the third 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.

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (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).

(66) ROAD OPENING PERMIT

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

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

(67) ALIGNMENT LEVELS

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

(68) PUBLIC DOMAIN PLAN

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

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

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.

(69) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(70) 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".

(71) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

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

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;

- (d) A summary report, prepared by a suitably qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(72) PRESERVATION OF SURVEY MARKS

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

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

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

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

(73) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying Act 2002.

(74) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

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

(75) STORMWATER QUALITY

Details demonstrating how the development achieves the post-development pollutant load standards identified in control 3.7.3 in Sydney DCP 2012 are to be submitted and approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued.

(76) 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.

(77) 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.

(78) FOOTPATH DAMAGE BANK GUARANTEE (Public Domain Damage Deposit)

A Footpath Damage Bank Guarantee calculated on the basis of 165 lineal metres of the concrete and asphalt footpath site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(79) ELECTRICITY SUBSTATION

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

(80) TELECOMMUNICATIONS PROVISIONS

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

(81) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

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

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

(83) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 2005.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) Work Health and Safety Act 2011.
- (e) Work Health and Safety Regulation 2011.

(84) IMPORTED WASTE DERIVED FILL MATERIAL

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

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

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

(85) CONTAMINATED WASTE

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

(86) 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, whichever applies.

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

(87) WATER POLLUTION

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

(88) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

(89) DUST MANAGEMENT

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

All dust control measures outlined in Section 8 of Construction & Environmental Management Plan, prepared by Green Square Consortium Pty Ltd, revision A, 22 August 2013, shall form part of this consent.

(90) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) A site-specific noise and vibration management plan shall be submitted to the Council's Health and Building department for comment and written approval prior to Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.
- (b) The plan must include but not be limited to the following:-
 - (i) Identification of noise and vibration sensitive receivers near to the site.
 - (ii) A prediction as to the level of noise and vibration impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties.
 - (iii) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
 - (iv) Confirmation of the level of community consultation that has is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

- (v) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (vi) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (vii) Details of any noise and vibration mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive properties to a minimum.
- (viii) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

(91) 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 submitted and approved Demolition, Excavation and Construction Management Plan.
- (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.
- (c) Such periods should, where possible, be set and agreed with the Council and be given at times when high noise levels are, or are likely, to cause most offence.

(92) NOISE USE – GENERAL

- (a) The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:
 - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide for Local Government published by DECCW.

- (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australia Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (iv) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997.

Internal residential amenity

- (b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
 - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours, then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.

(93) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION

- (a) The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" is restricted to the hours of:
 - (i) 9:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday
 - (ii) 9:00am – 1:00pm on Saturdays
 - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

- (c) All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

(94) COMPLIANCE WITH ACOUSTIC REPORT

- (a) All recommendations contained in Section 4.3 – 4.3.5, Noise Impact Assessment prepared by Acoustic Logic, Project Number 20130340.1, Document reference 20130340.1/0207A/R0/TA, 2 July 2013 must be implemented during construction and use of the premises.
- (b) Prior to Construction Certificate, the applicant is required to ensure that vibration isolation of the building structure complies with vibration goals set out in Section 5.2. Detailed design of any structural vibration isolation system.
- (c) The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants, certifying that the acoustic and vibration mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to issue of an Occupation Certificate.

(95) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background ($L_{A90, 15\text{minutes}}$) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(96) INTRUDER ALARM

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

(97) NOISE CONTROL VERIFICATION

An Acoustic Verification Report must be submitted to the Council's Health and Building Unit South Team prior to Construction Certificate from an accredited acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants outlining all central services mechanical plant and equipment installed within the development.

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

(98) DEWATERING

- (a) If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water (NOW) under the provisions of Part V of the Water Act 1912. The NOW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.
- (b) All conditions within the NOW licence will form part of this consent.

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

(99) 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 and AS1668.2, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(100) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:

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.

- (d) 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.

(101) GARBAGE ROOM

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

(102) CAR PARK VENTILATION

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

(103) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

Any mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for any 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 as 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.

(104) SWIMMING POOL - WASTE AND OVERFLOW WATERS

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

(105) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

(106) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (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.

(107) WASTE MANAGEMENT FACILITIES – GARBAGE COLLECTION VEHICLES

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

- (a) the maximum grade of any ramp to be accessed by Council's garbage collection vehicles is to be no more than 1:8 with suitable transitions at either end of the ramp,
- (b) all driveways and paved areas accessed by Council's garbage collection vehicles must be provided with a minimum vertical clearance of 4 metres, taking such items as pipes, ducts and the like into account,
- (c) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling,
- (d) the physical separation of residential waste from that generated by the commercial and retail tenancies which is to be collected by a private contractor.

(108) WASTE AND RECYCLING COLLECTION

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

(109) PHYSICAL MODELS

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

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

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

- (a) Prior to a Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings 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.

(111) ROADS AND MARITIME SERVICE CONDITION

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

The report and any enquiries should be forwarded to:

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

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

(112) SYDNEY WATER CONDITION

In accordance with Sydney Water's requirements for building over and/or adjacent to stormwater assets, no buildings or permanent structures are to be proposed within 1 metre from the external face of the stormwater pipe. Therefore, a 4500mm wide corridor along the stormwater pipe is to be free from buildings or permanent structures.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(113) 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.

(114) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(115) 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.

(116) 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.

(117) 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.

(118) EROSION AND SEDIMENT CONTROL

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

During the construction period:

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

(119) PROTECTION OF STREET TREES DURING CONSTRUCTION

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

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

(120) 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.

(121) 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.

(122) 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.

(123) 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.

(124) 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.

(125) 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.

(126) 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.

(127) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 2

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

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

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

SCHEDULE 3**CONCURRENCE CONDITIONS - RAILCORP**

- (128)** All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- (a) Preliminary geotechnical investigation report (Ref CES121006-MG-AC, dated 21 December 2012) prepared by Consulting Earth Scientists (CES).
 - (b) Correspondence from JK Geotechnics titled "Geotechnical Assessment: Proposed Development 40-46 McEvoy St, Waterloo, NSW" dated 16 September 2013 Ref' 26867RN Let.
 - (c) Correspondence from JK Geotechnics titled "Geotechnical Assessment: Proposed Development 40-46 McEvoy St, Waterloo, NSW" dated 21 November 2013 Ref' 26867RN Let1 Rev1.
 - (d) Sediment Control Plan (Dwg No. E-500 dated 8 February 2013), prepared by Meriton Group.
 - (e) Hard & Forester Consulting Surveyors Drawing titled "Airport Line Tunnel Protection Limits" (Dwg No. 1098590003 Rev 00 dated 05-11-2001).
 - (f) Hard & Forester Consulting Surveyors Drawing titled "Tunnel Notification Zone South Sydney Council" (Dwg No. 83370109 Sheet 4 of 12 dated Nov 2001).
 - (g) Parking Level 01 plan and section (Dwg No A099 - Issue 6 1/8/2013) prepared by Tony Caro Architecture Pty Lid.

- (h) Cardno Hard & Forester Drawings titled "Position of New South Rail Tunnel Structure in Relation to Proposed Development Site 40-46 McEvoy St Waterloo" Rev 00 dated 10 Sept 2013 [Plan & Cross Section, Sheets 1 and 2J;
 - (i) Subject to the following modifications:
 - (j) Final structural (including footing design) and architectural drawing (including cross-section drawings) are to be provided to RailCorp for review and endorsement.
 - (k) Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (l) The potential effect of construction induced settlement due to groundwater drawdown/dewatering to be assessed and addressed in a report submitted to RailCorp for review and endorsement.
 - (m) Confirmation of the groundwater level to be undertaken and its impact on the rail tunnel during works is to be assessed and provided to RailCorp for endorsement.
 - (n) The construction sequencing to be provided to RailCorp for review and endorsement.
 - (o) Allowable footing loads at ground surface level are to be limited to 6MPa.
 - (p) Any conditions issued as part of RailCorp's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.
 - (q) The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with. A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principal Certifying Authority is to provide verification to RailCorp that this condition has been complied with.
- (129)** If required by RailCorp, a Final Comprehensive Finite Element Analysis is to be undertaken to RailCorp's requirements. This analysis is to be provided to RailCorp for review and endorsement to be undertaken for submission and review. The finite element analysis report to detail the input data comprising, but not limited to, the in-situ locked up stress, groundwater level, dewatering within the model, location and inclination of bedding planes, joints in the rock, material properties etc.
- (130)** The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:

- (a) Machinery to be used during demolition, excavation and construction.
 - (b) The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with.
- (131)** No modifications may be made to that approved design without the consent of RailCorp.
- (132)** If required by RailCorp, prior to the commencement of works or the issue of a Construction Certificate (whichever occurs first) the Applicant is to submit to RailCorp a tunnel movement and vibration Monitoring Plan for review and endorsement. Works shall not commence or a Construction Certificate issued until RailCorp has issued its written endorsement to the Monitoring Plan. The monitoring plan is to be in place until the end of construction works.
- (133)** Prior to the commencement of works or the issue of a Construction Certificate (whichever occurs first) a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works (including demolition, excavation and construction) are to be submitted to RailCorp for review and endorsement. Works shall not commence or a Construction Certificate issued until RailCorp has issued its written endorsement certifying compliance with this condition.
- (134)** If required by RailCorp, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- (135)** An acoustic assessment is to be submitted to Council and RailCorp prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (136)** Prior to the issue of a Construction Certificate the Applicant is to submit to RailCorp for review and endorsement a revised Electrolysis Report that meets RailCorp's satisfaction. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- (137) Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- (138) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.
- (139) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to RailCorp and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement.
- (140) The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

SCHEDULE 4

INTEGRATED DEVELOPMENT - GENERAL TERMS OF APPROVAL

The Terms of Approval for construction dewatering as advised by the NSW Office of Water are as follows:

General

- (141) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- (142) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- (143) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

- (144) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (145) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- (146) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (147) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (148) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- (149) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- (150) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (151) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.

- (152) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- (153) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (154) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- (155) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

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

Carried unanimously.

ITEM 6 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY (S040864)

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

Carried unanimously.

ITEM 7 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

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

Carried unanimously.

ITEM 8 POST EXHIBITION: PLANNING PROPOSAL - AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - 37 - 61 NICKSON STREET, SURRY HILLS; 39 PINE STREET, NEWTOWN; AND LAND REQUIRED FOR CLASSIFIED ROAD PURPOSES IN ALEXANDRIA, WATERLOO, ZETLAND AND ROSEBERY (S101832)

It is resolved that:

- (A) the Central Sydney Planning Committee note the two submissions received to the public exhibition of the 'Planning Proposal: Amendment to the Sydney Local Environmental Plan 2012 - 37 to 61 Nickson Street, Surry Hills, 39 Pine Street, Newtown and land required for classified road purposes in Alexandria, Waterloo, Zetland and Rosebery' as described in the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal, as shown at Attachment A to the subject report, to make as a local environmental plan under section 59(2) of the Environmental Planning and Assessment Act 1979; and
- (C) the Central Sydney Planning Committee note that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal, to correct any minor drafting errors.

Carried unanimously.

ITEM 9 POST EXHIBITION - GREEN SQUARE TOWN CENTRE LIBRARY AND PLAZA - DRAFT PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT (S107149)

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in submissions received in response to the public exhibition of the draft Planning Proposal: Green Square Town Centre Library and Plaza and Draft Amendment: Green Square Town Centre Development Control Plan 2013, 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 draft Planning Proposal: Green Square Town Centre Library and Plaza, as shown at Attachment A to the subject report, and make as a local environmental plan under section 59(2) 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 18 February 2014 that Council approve the Draft Amendment: Green Square Town Centre Development Control Plan 2013, as shown at Attachment B to the subject report, noting the commencement date as 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 draft Planning Proposal: Green Square Town Centre Library and Plaza to correct any minor drafting errors.

Carried unanimously.

**ITEM 10 PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012
- HERITAGE LISTING OF 119-127 KIPPAX STREET, SURRY HILLS
(S108625)**

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Heritage Listing of 119-127 Kippax Street, Surry Hills to amend Sydney Local Environmental Plan 2012, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Heritage Listing of 119-127 Kippax Street, Surry Hills to amend Sydney Local Environmental Plan 2012, for public exhibition;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal following receipt of the Gateway determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that Council seek authority from the Director General of the Department of Planning and Infrastructure to exercise the delegation of the Minister for Planning and Infrastructure of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make an amendment to Sydney Local Environmental Plan 2012 to list 119-127 Kippax Street, Surry Hills as a heritage item; and
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 18 February 2014 that the Chief Executive Officer currently has delegation to issue an Interim Heritage Order under Section 25 of the Heritage Act 1977.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.07pm.

CHAIR