

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 402
Thursday 8 May 2014
Notice Date 2 May 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 Neil McGaffin (Alternate Member to Mr Richard Pearson, Deputy Director General, Growth Planning and Delivery, NSW Department of Planning and Environment), Ms Darlene Van Der Breggen (Alternate Member to Mr Peter Poulet), the Hon Robert Webster

At the commencement of business at 5.12pm, those present were -

The Lord Mayor, Mr Knowles, Councillor Kok, Councillor Mant, Mr McGaffin, Ms Van Der Breggen, Mr Webster.

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

APOLOGIES

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

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

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

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

Carried unanimously.

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

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

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

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

ITEM 2 CONFIRMATION OF MINUTES (S108553)

Moved by Mr Knowles, seconded by Councillor Mant -

That the minutes of the meeting of the Central Sydney Planning Committee of 3 April 2014, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES (S108553)

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 3 April 2014.

Note. Item 4 was dealt with at a later stage of the meeting (see page 197).

Note. Item 5 was dealt with at a later stage of the meeting (see page 136).

Order of Business

At this stage of the meeting, the Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Items 6 and 5 be brought forward and dealt with, in that order, prior to Item 4.

ITEM 6 SECTION 96(2) APPLICATION: 115-119 BATHURST STREET SYDNEY (D/2013/554/A)

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Jon Shillito, BBC Consulting Planners, representing the owners of the adjoining building at 580 George Street, Sydney (HSBC Centre).

Moved by Councillor Kok, seconded by Mr Webster -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
- (i) the subject application is a modification to a previously approved Stage 1 development. Neither the previously approved application nor the subject modification application permits any physical works to be undertaken and the amendment will have no impact on traffic generation;
 - (ii) Transport for NSW and the Roads and Maritime Services have been consulted on the accompanying Stage 2 application for the development of the site and have not objected to that proposal.
- (B) the Section 96(2) modification application number D/2013/554/A be approved, subject to:
- (i) modification of conditions 1, 8(c), 10(a) and 15(a), and the deletion of conditions 14, 19, 21 and 27, as follows, (with changes shown in ***bold italics*** or a ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/554 dated 28 April 2013 and the following drawings:

Drawing Number	Architect	Date
DA01[F]	Crone Partners	12 August 2013
DA02[F]	Crone Partners	12 August 2013

Drawing Number	Architect	Date
DA03[F]	Crone Partners	12 August 2013
DA04[F]	Crone Partners	12 August 2013
DA05[F]	Crone Partners	12 August 2013
DA06[F]	Crone Partners	12 August 2013
DA07-1[F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA07-2[F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA08 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA09[F]	Crone Partners	12 August 2013
DA10 [F]	Crone Partners	12 August 2013
DA11 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA12 [F] <i>Issue 1</i>	Crone Partners BVN	12 August 2013 20 December 2013
DA13 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA14 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA15 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA16 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014
DA17 [F] <i>Issue 2</i>	Crone Partners BVN	12 August 2013 28 March 2014

and/or 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.

(8) DESIGN MODIFICATIONS

Any future competitive design process brief and Stage 2 development application must incorporate the following design requirements and modifications:

- (a) That the soffit of the 1,600mm wide cantilever over the main tower feature of the building at 339 Pitt Street is to be a minimum of 12,500mm clear above the 1939 building;
- (b) The tower building, including the cantilever, is to be structurally independent of the heritage listed building at 339 Pitt Street. Further, no structural supports for the new building are to intrude upon the original footprint of the building as established in 1939; **and**
- (c) ~~The proposed courtyard space between the 1939 building and the proposed building is to remain open to the sky; and~~
- (d) The design for the tower, including its soffit, is to incorporate high quality materials, and achieve a high level of articulation and architectural detail. Balconies should be recessed within the line of the facade through punctured openings.

(10) COMMERCIAL/CREATIVE HUB FLOORSPACE

- (a) The proposed commercial/creative hub floorspace wrapping the car parking shall be ~~at least~~ **predominantly** 6 metres in usable width and shall not be impaired in its usability by the proposed exoskeleton structure; and
- (b) Any proposed voids to the maximum possible floor area in the podium wrap between levels 2-8 must not exceed 20% of the floor area.

~~**(14) PUBLIC ART**~~

~~A public art strategy that nominates artists and potential locations must be included as part of the competitive design process and must be lodged as part of the Stage 2 DA.~~

(15) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.4, 4.5, **4.6**, 6.3 - 6.9 and 6.21 of the *Sydney Local Environmental Plan 2012*.
- (b) The floor space in excess of a FSR of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clauses 6.11 and 6.12 of the *Sydney Local Environmental Plan 2012*.
- (c) The amount of HFS to be purchased may be reduced in accordance with Clause 6.11 of the *Sydney Local Environmental Plan 2012* only if the consent authority is satisfied that the resulting Stage 2 development exhibits design excellence and is the result of a design competition which satisfies the requirements of design competitions in any relevant development control plan.

~~(19) SIGNAGE STRATEGY~~

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

~~(21) CONTAMINATION~~

~~A Remedial Action Plan (RAP) is to be submitted to Council prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines". 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.~~

~~(27) COACH PARKING MANAGEMENT PLAN~~

~~A Coach Parking Management Plan for the hotel is to be submitted with the Stage 2 application for approval by the City of Sydney.~~

- (C) Condition 11 of the Stage 1 Development Application consent dated 5 November 2013, as shown at Attachment A to the subject report, be amended with the deletion of the last sentence, as follows, (with the deletion shown in ~~strike through~~):

~~(11) WESTERN FAÇADE OF TOWER AND PODIUM~~

~~The competitive design process and Stage 2 application must acknowledge the proximity of the new podium and tower to 580 George Street ("the HSBC building") and appropriately address any associated potential impacts including overlooking and loss of privacy. Any glazing and/or openings within the enclosing envelope must be located at least 3 metres from the western property boundary.~~

Carried unanimously.

Note - A memo from the Director City Planning, Development and Transport to the Central Sydney Planning Committee, dated 8 May 2014, Relevant to Item 5, was circulated to members prior to the meeting of the Committee.

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Sherwood Luo, representing the Applicant (Greenland (Sydney) Bathurst Street Development Pty Ltd.)

ITEM 5. DEVELOPMENT APPLICATION: 115-119 BATHURST STREET SYDNEY (D/2013/1822)

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

It is resolved in relation to D/2013/1822 that:

- (A) authority be delegated to the Chief Executive Officer, to determine the application having regard to the content of the subject report and draft conditions, including the recommended conditions of consent, as amended at the meeting of the Central Sydney Planning Committee;
- (B) the Central Sydney Planning Committee supports the variation to Clause 4.4 – Floor Space Ratio - of the Sydney Local Environmental Plan (SLEP) 2012 as permitted under Clause 4.6 of the SLEP;
- (C) the Central Sydney Planning Committee endorses the preparation of a planning proposal and accompanying Development Control Plan amendment to allow the floor area of a balcony to be excluded from the calculation of gross floor area in cases where the outer walls of the balcony exceeds 1.4 metres in height to provide wind protection in circumstances to be outlined in the proposal;
- (D) determination of the application, in accordance with Clause (A) above, shall only occur following:
 - (1) Public exhibition and execution of the Voluntary Planning Agreement for the provision of the Creative Hub at levels 2-6 of the development;
 - (2) The receipt of a guarantee to Council in accordance with the Voluntary Planning Agreement; and
 - (3) Lodgement of the Voluntary Planning Agreement, as executed, with the Office of Land and Property Information which must occur prior to any works commencing on site and registered on the title of the land on which the tower stands prior to any above ground works commencing;
- (E) should the matters in Clause (D) not be completed by 8 November 2014, the Chief Executive Officer may determine the application based on the information submitted to date; and
- (F) the recommended conditions contained in the subject report to the Central Sydney Planning Committee on 8 May 2014 be amended such that they read as follows:

DRAFT CONDITIONS**SCHEDULE 1A****Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/1822 dated 28 November 2013 and the following drawings:

Drawing Number	Architect	Date
DA-2000 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2001 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2002 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2003 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2004 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2005 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2006 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2007 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2008 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2009 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2200 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14

Drawing Number	Architect	Date
DA-2201 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2202 Issue 4	BVN Donovan Hill / Woods Bagot	18 Mar 14
DA-2203 Issue 6	BVN Donovan Hill / Woods Bagot	18 Mar 14
DA-2204 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2205 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2206 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2207 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2208 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2209 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2210 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2211 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2215 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2216 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2217 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2218 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2219 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2220 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13

Drawing Number	Architect	Date
DA-2221 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2222 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2224 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2226 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2228 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2230 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2231 Issue 1	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2232 Issue 4	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-2233 Issue 2	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-2300 Issue 3	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2301 Issue 3	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2302 Issue 3	BVN Donovan Hill / Woods Bagot	18 Mar 14
DA-2303 Issue 6	BVN Donovan Hill / Woods Bagot	18 Mar 14
DA-2304 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2305 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2306 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2307 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14

Drawing Number	Architect	Date
DA-2308 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2309 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2310 Issue 5	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2311 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2312 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2313 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2314 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2315 Issue 1	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-2316 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2317 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2318 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2319 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2320 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2321 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2322 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2323 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14
DA-2324 Issue 4	BVN Donovan Hill / Woods Bagot	12 Mar 14

Drawing Number	Architect	Date
DA-2325 Issue 3	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-2326 Issue 3	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3000 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3001 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3002 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3003 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3004 Issue 4	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3005 Issue 4	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3006 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-3100 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3101 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3103 Issue 5	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-3104 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-3105 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-3106 Issue 3	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-3107 Issue 1	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-3108 Issue 1	BVN Donovan Hill / Woods Bagot	25 Nov 13

Drawing Number	Architect	Date
DA-4400 Issue 2	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-4401 Issue 2	BVN Donovan Hill / Woods Bagot	25 Feb 14
DA-6000 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6001 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6002 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6003 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6004 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6005 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6006 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6007 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6008 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6009 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6010 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6011 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6012 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 13
DA-6013 Issue 2	BVN Donovan Hill / Woods Bagot	25 Nov 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.

(2) STAGED CONSTRUCTION

- (a) The development may be carried out in stages with the relevant conditions being satisfied prior to the issue of a Construction Certificate for each stage as follows:
 - (i) Stage 1 – Pre-construction;
 - (ii) Stage 2 – Demolition;
 - (iii) Stage 3 – Construction; and
 - (iv) Stage 4 – Fit-out;
- (b) In addition to those conditions identified above, other conditions may be required to be satisfied prior to the issue of a Construction Certificate at each stage of construction.
- (c) Any reference to ‘A Construction Certificate’ or ‘An Occupation Certificate’ relates to the first Construction Certificate and/or Occupation Certificate unless a Stage is nominated elsewhere in that particular condition. In all other cases, conditions are to be satisfied as specifically stated at Stages 1 to 4.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Development Contributions Plan 2013 in accordance with the following:

- (a) Prior to the Stage 1 Construction Certificate being issued, evidence must be provided of Council’s written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the “City of Sydney Registered Quantity Surveyor's Detailed Cost Report” indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Stage 1 Construction Certificate. A copy of the required format for the “City of Sydney Registered Quantity Surveyor's Detailed Cost Report” may be obtained from the City of Sydney One Stop Shop, any of the

Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).

- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

(4) DESIGN MODIFICATIONS – TOWER AND PODIUM

The design of the building must be modified as follows:

- (a) The design and material details of the cantilevered projection into the street on levels 2-4 are to be further developed to minimise visual impacts.
- (b) In order to increase the legibility of the proposed creative space from the street, an artist is to be engaged to work with the architects on the design development of the creative hub façade projection ('overhang').
- (c) The ground level corner at Pitt and Bathurst Streets is to be indented to allow additional space for pedestrian movement at the street corner.
- (d) Fully resolved elevation and section details of the podium exteriors and laneway elevations are required to accurately show materials, finishes and construction details. Sectional details for the West Lane, East Lane and Pitt Street Lane must be included.

- (e) The proposed podium design is to incorporate Australian Emperador marble stone or an agreed alternative cladding to the blade columns and vertical laneway elements as initially proposed.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued.

(5) DESIGN MODIFICATIONS – HERITAGE BUILDING

- (a) The proposed banquette seating of the ground floor design is to incorporate an interpretive reconstruction of the original outer stone counters of the former Sydney Water Ratings Chamber.
- (b) The western wall of the Ground Floor 'Guest' Lift Lobby demolished circa 1965 is to be reconstructed and clad in banded marble to match the original stonework.
- (c) The Queensland Maple wainscot to the ground floor columns is to be reinstated together with traditional shellac finish where previously removed or painted over.
- (d) All new doors on Levels 2-7 are to be flush Queensland Maple veneer with traditional shellac finish, to match the original doors.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued.

(6) DESIGN DETAILS

The following design details of the building are to be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued:

- (a) The proposed reconstruction of the lift doors of the Ground Floor 'Guest' Lift Lobby, which are to interpret the original 'plain bronze reveals and aluminium clad' doors, as they appear in the photograph by Sam Hood dated 1940.
- (b) The proposed reconstruction of the triple bank of paired glazed aluminium framed doors from the Ground Floor 'Guest' Lift Lobby into the former Sydney Water Ratings Chamber, which are to interpret the original as they appear in the photograph by Sam Hood dated 1940.
- (c) The proposed bar, concierge and reception desks which are to be an interpretive reconstruction of the original outer stone counters of the former Sydney Water Ratings Chamber.
- (d) The proposed glazed roof over the central Plummer laylights above the former Sydney Water Ratings Chamber.
- (e) The proposed roof over 'South Lane' incorporating the salvaged laylights.

- (f) The treatment to doors, reveal and thresholds on the Wilmot Street frontage.
- (g) A material sample boards for the former Sydney Water Ratings Chamber, cross referenced to the plan.
- (h) A material sample board for the podium levels of the new building cross referenced to the plan and elevations. The proposed red granite facings to the northern face of the 1939 building along 'Pitt Street Lane' are to be a close match to the original facings of the 1939 building.

(7) RECONFIGURATION OF APARTMENT LAYOUTS AND NUMBERS

- (a) The westernmost south facing apartments on levels 25-35 inclusive and numbered [unit number=*n*] n.08 shall be restricted to 1 bed in size as shown on DA drawings. The second bedroom shown on the submitted plans shall be reconfigured as a study with study furniture. All sales documentation shall ensure that these are accurately described as a 1 bed with study apartment.
- (b) The westernmost south facing apartments on levels 36-40 and 43-45 inclusive and numbered [unit number=*n*] n.07 shall be restricted to 1 bed in size. The second bedroom shown on the submitted plans shall be reconfigured as a study with study furniture. All sales documentation shall ensure that these are marketed as a 1 bed with study apartment.
- (c) The remaining apartment layouts, locations and sizes are to be reconfigured to better comply with the cross-ventilation, access to sunlight and apartment mix requirements contained within both the DCP and the *Residential* Flat Design Code.

The modifications are to be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued.

(8) INSTALLATION OF VENTILATION DUCT

The proposed cross-over ventilation duct from apartment 01 to the recessed void on the eastern aspect across levels 25-63 shall be installed prior to the issue of an Occupation Certificate for these levels and shall thereafter be maintained in situ.

(9) DESIGN QUALITY EXCELLENCE

- (a) Design excellence has been achieved and an award of bonus floorspace has been granted. 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 Stage 1 Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

(10) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 16.91:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 67,168sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environment Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Council's written verification must be obtained, confirming that the following heritage floor space was allocated (purchased and transferred) to the development being that floorspace in excess of 8:1 as specified in Sydney Local Environmental Plan 2012:
 - (i) 16,757sqm prior to a Stage 1 Construction Certificate being issued;
 - (ii) a further 3,979sqm (being that heritage floor space attributed to the balconies) prior to the first Occupation Certificate (including any Interim Occupation Certificate) being issued.
 - (iii) a further 1,215sqm (being a portion of the heritage floorspace attributed to the 10% design calculation) prior to the first Occupation Certificate (including any Interim Occupation Certificate) being issued.
- (d) The balcony floorspace which is the subject of the Clause 4.6 variation must not be converted to internal residential floorspace at any time.

(11) BUILDING HEIGHT

- (a) The height of the building must not exceed RL260.032 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(12) SIGNAGE

- (a) A signage strategy for the building shall be lodged prior to the issue of a Stage 3 Construction Certificate. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.
- (b) No signage is approved as part of the subject application.

(13) USE - SEPARATE DA REQUIRED

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

(14) PLAN OF MANAGEMENT AND NOISE MANAGEMENT PLAN - HOTEL

- (a) A Plan of Management and Noise Management Plan must be prepared to address all operational and management procedures to be employed, to ensure that the hotel can operate without disturbance to the surrounding locality. The plan must reflect the entire hotel operation.
- (b) The plan must be submitted prior to the fit out and use of the hotel.

(15) STORAGE SPACE – HOTEL

Storage amounting to at least 0.6 cubic metres per person shall be provided within each of the proposed hotel rooms.

(16) TRANSPORT FOR NSW CONDITIONS

- (a) The owners of the site of the approved development must enter into a deed with Transport for NSW (TfNSW) prior to issue of any construction certificates for the project to address the adverse effects of the approved development on the CBD Metro identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions 3 to 8 below;
 - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) consultation with TfNSW;
 - (v) access by representatives of RailCorp to the site of the approved development and all structures on that site;

- (vi) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vii) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy condition (j) below;
 - (viii) such other matters which RailCorp considers are appropriate to give effect to (i) to (vii) above; and
 - (ix) such other matters as the owners and RailCorp may agree.
- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Metro must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
 - (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
 - (d) The developer must undertake detailed geotechnical analysis in order to develop the proposal's final foundation system.
 - (e) No modifications may be made to that approved design without the consent of TfNSW.
 - (f) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
 - (g) A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
 - (h) All requirements contained in the Agreement between TfNSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
 - (i) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.
 - (j) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the

design, construction and operation of the proposed CBD Metro prior to written consent of TfNSW.

- (k) The owners of the site must consult with TfNSW on potential connections between the site and the proposed Town Hall Square Station, prior to execution of the Deed.

(17) 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) All vehicles shall enter and leave the site in forward direction.
- (c) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Stage 1 Construction Certificate.
- (d) All works associated with the proposed development shall be at no cost to the RMS.

(17A) AIRSPACE CONDITIONS

- (a) The building must not exceed a maximum height of 260.05 metres AHD, inclusive of the building maintenance unit, all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, roof top garden plantings, etc.
- (b) The building must be obstacle lit at night with medium intensity flashing red obstacle lights, in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS), Chapter 9, Section 94. The obstacle lighting must be installed at the highest point of the building and located so that it can be observed in a 360 degree radius.
- (c) Any changes to the proposed height and location of the building must be reassessed by SACL.
- (d) A separate controlled activity application must be submitted to SACL for any equipment/crane to be used on the site that will intrude into prescribed airspace.
- (e) The proponent must arrange for a certified surveyor to notify SACL of the finished height (in metres AHD) and the coordinates of the building.

(18) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(19) 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".

(20) BICYCLE FACILITIES – COMMERCIAL USES

A bicycle facilities room must be provided at Basement Level 1 close to staff / employee bicycle parking and include a minimum of:

- (a) 3 showers with change area; and
- (b) 30 personal lockers.

The bicycle facilities area is to be accessible to all employees of the hotel, retail and commercial tenancies.

(21) BICYCLE PARKING

- (a) A minimum of 630 bicycle parking spaces are to be provided, including a minimum of 490 spaces for residents, a minimum of 30 spaces for staff / employees (accessible to staff of the hotel, retail and commercial tenancies within the building), and a minimum of 110 spaces for visitors (86 spaces at Ground Floor – Level 00 within West Lane and 24 spaces at Basement Level 1 adjacent to the tower lifts).
- (b) 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:
 - (i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
 - (ii) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - (iii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(22) CAR PARKING SPACES AND DIMENSIONS

- (a) A maximum of 267 off-street car parking spaces are to be provided. Of these spaces, a maximum of 260 spaces are to be allocated to residents, a maximum of 1 space is to be allocated to the retail use and 3 spaces are to be allocated to the creative hub use. A minimum of 3 car parking spaces are to be allocated as Car Share spaces.
- (b) This maximum provision is inclusive of motorcycle parking. All stacked and tandem spaces account for 2 spaces per parking space.
- (c) An area equivalent to a minimum of 5 car spaces must be provided for motorcycles.

- (d) A minimum of 8 motorcycle parking spaces (equivalent of 2 car parking spaces) are to be provided at Basement Level 1.
- (e) This does not include parking provided as “flexible bays” or for the purpose of “valet holding”.
- (f) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council’s Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 3 Construction Certificate being issued.
- (g) Plans showing the car parking spaces shall be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued.

(23) CAR SHARE SPACES

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(24) CHANGES TO KERB SIDE PARKING RESTRICTIONS

- (a) 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.
- (b) 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.
- (c) All costs associated with the changes to sign posting will be at no cost to Council.

(25) 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.

(26) HOLDING AREAS

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway. Details must be submitted to and approved by the Certifying Authority prior to a Stage 3 Construction Certificate being issued.

(27) 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.

(28) 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.

(29) LOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(30) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.24m.

(31) SERVICE VEHICLES

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles up to 9.24m. 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 the Stage 3 Construction Certificate being issued.

(32) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the points of vehicular egress:

- (a) Compelling drivers to stop before proceeding onto the public way.

- (b) Compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

(33) STACKED PARKING EMPLOYEES OR TENANTS ONLY

Any tandem parking spaces (maximum 2 spaces, nose to tail) that are not located within a car stacker 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.

(34) 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.

(35) VEHICLE FOOTWAY CROSSING

- (a) 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.
- (b) 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 choice of construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle. Crossings are to be clad in footpath materials.

(36) GREEN TRAVEL PLAN

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

(Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission).

(37) ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to the Stage 3 Construction Certificate being issued.

(38) LOADING MANAGEMENT PLAN

- (a) A Loading and Car Parking Management Plan is to be submitted to Council and approved, prior to an Occupation Certificate being issued.
- (b) The Plan should identify how operations associated with the loading areas, valet car parking area, flexible bays and car lifts will be managed.
- (c) The Management Plan needs to be agreed with all parties, including the hotel, retail and commercial tenancies, each of whom will be required to use the servicing areas provided.

(39) COACH PARKING MANAGEMENT PLAN

- (a) A coach parking management plan must be submitted for approval by the City of Sydney prior to the issue of an Occupation Certificate.
- (b) The Management Plan is to address how bus movements associated with the site (airport shuttles, tourist coaches etc) are to be managed to ensure that these activities do not impact road network operations, particularly during peak periods.
- (c) Any changes to signposting must be submitted to and approved by the Local Pedestrian, Cycling and Traffic Calming Committee and all costs must be borne by the developer.

(40) CREATIVE HUB LOADING

The parking spaces allocated to the creative hub are not to be used for loading by external delivery vehicles / personnel. All servicing requirements associated with the creative hub are to be accommodated within Basement Level 1 and addressed within the Loading Management Plan.

(41) HERITAGE CONSERVATION WORKS

Prior to the issue of the Stage 2 Construction Certificate the following are to be submitted to and approved by the Director City Planning, Development and Transport:

- (a) The schedule of conservation works within the Conservation Management Plan Volume 3 dated November 2013 by Graham Brooks and Associates is to be further developed through the undertaking of detailed diagnostic analysis. The developed schedule is to be supported by floor plans, reflected ceiling plans, elevations (internal and external) and sections that fully explain the scope and extent of the works, by larger scale detail drawings at 1:20 and 1:5 scale as

appropriate and by repair methodologies and specifications and supporting engineering documentation.

- (b) EXTERNAL CONSERVATION WORKS are to include the following:
- (i) The investigation of the glazed architectural terracotta facade system (units, jointing material, fixings, structural frame) and consequential conservation of all damaged, non extant or inappropriately repaired glazed architectural terracotta cladding and feature elements currently visible or exposed following the removal of the 1965 tower addition. All architectural terracotta jointing material is to be conserved. Trial samples of conserved glazed architectural terracotta units are to be prepared for the review and approval of the Director City Planning, Development and Transport. Consequently, a detailed scope of conservation work is to be submitted and approved by Council's heritage specialist prior to the works being carried out.
 - (ii) The retention glazed architectural terracotta cladding units is considered the best outcome but where the condition of the units is beyond retrieval, the purpose made glazed architectural terracotta units are to be of matching unit sizes, profiles, and glaze characteristics.
 - (iii) The conservation of all 1939 bronze façade elements i.e. bronze frame windows and bronze doors and associated hardware and glazing, and ornamental cast bronze work. This includes the windows to the light well. The paint finish on the main bronze entrance doors, highlights and reveals is to be removed and the doors and reveals are to be repatinated.
 - (iv) The bronze over cladding system installed in 1965 should be inspected and repairs undertaken where necessary to ensure a weatherproof system. Should any of the bronze overcladding of the façade be removed, it is to be appropriately salvaged for recycling.
 - (v) The conservation of all visible polychrome brickwork and all glazed brickwork (lightwell).
 - (vi) The conservation of all red (base) and black (column and entrance surrounds) granite façade cladding.
 - (vii) The conservation of the central Plummer Laylight including glass lenses, jointing material, and the metal and concrete frames. Similarly, the conservation of the extant Plummer laylights to be incorporated into the proposed roof over 'South Lane'.
 - (viii) The exposure and conservation of the pavement lights on Pitt Street including the shaft, frame and glass prism elements.
 - (ix) The conservation of render work (roof level) and concrete work (lintels, sills and roof).

- (x) The conservation of cast iron stormwater components, original signage, and original service installations.
 - (xi) Reconstruction of the two Pitt Street façade timber flagpoles with bronze patinated brass wrapped fixing plates.
- (c) INTERNAL CONSERVATION WORKS are to include the retention and conservation of perforated metal ceilings of the Basement, all original travertine and marble floor and wall finishes, terrazzo flooring and sills, all wall and column scagliola work, bronze work, glazed ceramic wall tiling, wall and ceiling plaster (existing and reinstated), wainscot, door and fitment joinery, glazing, bronze and aluminium work, timber flooring, hardware, fitments and fixtures, and mechanically operated systems such as the plan hoist. Of particular note are the following:
- (xii) The conservation and repatination of all internal bronze elements by contractors, including window assemblies, hardware, direction boards, handrails and cupboard doors. Non extant window hardware is to be reinstated to match.
 - (xiii) The reinstatement and conservation of all scagliola wall and column finishes.
 - (xiv) The conservation of all floor and wall stonework finishes to the former Ratings Chamber, Entry Lobby, Ground Floor lift lobby and lower levels of the northeastern (Pitt Street) stairwell.
 - (xv) The conservation of original ceramic wall tiling that is to remain visible in internal corridors, lavatories and stair wells. Missing or damaged tiles in areas these areas are to be reinstated to match the existing utilising salvaged or reconstructed tiles.
 - (xvi) The conservation of original terrazzo floors, stairs and window sills.
 - (xvii) The retention of specific components such as the fire hose reels alcoves, water fountain alcoves and cleaner's alcoves unless the wall in which they are located is approved to be demolished or covered over.
 - (xviii) Conservation of the existing lavatories to be retained within the Basement and Levels 6 and 7 including of all original terrazzo floor finishes, tiled and terrazzo wall finishes, terrazzo benches, partitions, partition doors, sanitary fixtures and fitments.
 - (xix) The retention of the 'western corridors' on each level is to include conservation associated lift control panels and indicators, and original joinery elements such as door assemblies, highlight glazing and associated hardware, in addition to tile and terrazzo finishes.
 - (xx) The retention and conservation of the Sydney Water Catchment Diorama, Level 6.

- (xxi) Remnant timber skirtings are to be consolidated on the perimeter external walls, and paint finish is to be removed and the traditional shellac finish reinstated.
- (d) All diagnostic work should be undertaken by specialist conservers and engineers.
- (e) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (f) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (g) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (h) The works in (a) to (c) must be implemented to the satisfaction of Council's heritage specialist prior to the issue of the Occupation Certificate for the hotel.
- (i) It is noted that where the programme of the diagnostic analysis does not enable the schedule of conservation works to be developed and completed prior to the Stage 2 Construction Certificate, ongoing consultation with Council's heritage specialist should be maintained so that the works are implemented to the satisfaction of Council's heritage specialist prior to the issue of the Occupation Certificate.

(42) PROTECTION METHODOLOGY

A strategy that details how significant heritage fabric will be adequately protected during the building works is to be submitted for approval by Council's own Heritage Specialist prior to the issue of the Stage 1 Construction Certificate.

(43) HERITAGE ASSET MAINTENANCE PLAN

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

- (a) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 1999 and best conservation practise, and a list of appropriate consultants and suppliers incorporated. A projected costing for each item of work is to be prepared by a quantity surveyor or by the Project's building contractor, for incorporation into the plan.
- (b) The Plan is to be prepared by the nominated heritage consultant and is to be submitted to Council for approval prior to the issue of an Occupation Certificate.

(44) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the construction certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Arrange and conduct site inspections by Council's heritage specialist of not less than monthly intervals.
 - (iii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iv) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's own heritage specialist prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

(45) HERITAGE INTERPRETATION PLAN

- (a) An Interpretation Plan for the sites at 115-119 Bathurst Street and 339 Pitt Street is to be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 2 Construction Certificate being issued.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public. The plan must specify the location, type, materials and contents of the interpretation device being proposed with recommendations regarding public accessibility, signage and lighting.
- (c) The plan is to include the retention of etched precast panels of the northern façade within the building.

- (d) In addition, a brass plaque relating to the history of the site must be installed on the facade of the building, or within the building, prior to occupation. The design, location and wording must be submitted for the approval of Council prior to an Occupation Certificate being issued.
- (e) Prior to Occupation Certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

(46) WORKS TO HERITAGE BUILDING

All construction works to the 1939 building must be carried out prior to or concurrently with the works to the 1965 building and must be completed prior to issue of the final Occupation Certificate for the redeveloped 1965 building.

(47) DEED – 1939 BUILDING

- (a) The owner must enter into a deed with Council and register any required covenants on the title of the land on completion of the works to the 1939 building. The deed shall limit any future development to 13,943sqm of floorspace. The terms of the deed shall be to the satisfaction of Council.
- (b) All legal documentation must be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.

(48) DEDICATION OF SPLAY

The owner must dedicate for road purposes, free of cost to Council, a 3.0m by 3.0m splay at the intersection of Pitt Street and Bathurst Street, limited in height nominally to the underside of the Level 2 floor/structure above and limited in depth nominally to the roof of Basement Level 1 below, to be detailed in a plan of subdivision/consolidation of the land. This plan is to be registered at the Office of Land and Property Information prior to an Occupation Certificate being issued.

(49) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum, is to be created and registered on the Title of the development site (Lot 1 DP 621404). The Easement is to be defined over the following strips of land:
 - (i) The lane, shown on the plans accompanying the application, as "Pitt Street Lane", nominally 4 metres wide and leading to "East Lane" from Pitt Street;
 - (ii) The lane, shown on the plans accompanying the application, as "East Lane", nominally 5 metres wide and leading to the eastern termination of "South Lane" from Bathurst Street;
 - (iii) The lane, shown on the plans accompanying the application, as "West Lane", nominally 5 metres wide and leading to the western termination of "South Lane" from Bathurst Street;

- (iv) The lane, shown on the plans accompanying the application, as "South Lane", nominally 3 metres wide and leading to the southern termination of "East Lane" from the southern termination of "West Lane".

The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction and is to be limited in depth to the floor surface of the lanes and limited in height to the underside of the second floor level above the proposed lanes.

- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site (Lot 1 DP 621404), appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(50) PUBLIC WAY LEASE AGREEMENT

Prior to commencement of the construction of the portion of the building that will overhang the footways of Bathurst Street and Pitt Street (i.e. within the public way), a separate application must be made to Council under Section 149 of the Roads Act 1993, and the owners of the site are to enter into a formal Lease or Agreement to Lease of the stratum of Bathurst Street and Pitt Street to be occupied by Levels 2, 3 and 4 of the proposed building over the public footway.

The payment of rent and the terms of the lease are to be in accordance with the Voluntary Planning Agreement for the development. The lease is to be subject to all conditions considered necessary to protect Council's interests and those of the public. All associated fees and costs (including with those associated with the preparation and registration of the required Plan of Subdivision) are to be in accordance with the Voluntary Planning Agreement for the development. The owners of the site are to maintain a public liability policy of not less than \$20 million dollars for the duration of the lease as well as a security bond. The public liability policy must note the "Council of the City of Sydney" as an interested party. The agreement must also contain an indemnity clause where the owner indemnifies the City for any damage, injury or death arising out of the use or construction of the overhanging portion of the building.

(51) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(52) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(53) STRATA SUBDIVISION – STRATA CERTIFICATE

A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan and the issue of the Strata Certificate under the Strata Schemes (Freehold Development) Act 1973.

(54) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (from Levels 9 to 23 and Levels 25 to 66) 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.
- (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 permanent residential accommodation as referred to above. 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) Any strata subdivision of all or part of the site is to include a Restriction on User, pursuant to section 88B of the Conveyancing Act 1919, burdening all lots in the Strata Plan in terms restricting any change of use of those lots from permanent residential accommodation as referred to in (a) above. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (d) 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.
- (e) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (f) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (g) 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.

- (h) 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.

(55) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88E of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any strata subdivision of all or part 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.

(56) PARKING ON COMMON PROPERTY AREAS

No part of the common areas within the car park, 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 all or part 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.

(57) REMOVAL OF UNDERGROUND STORAGE TANKS

- (a) If removal of above ground 'UST 2' is decided, removal shall be undertaken in accordance with NSW Work-Cover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice "The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW Work-Cover requirements, the latter shall prevail.
- (b) Prior to proposing removal of USTs, the City must be notified in writing and should be submitted with a construction environmental management plan in accordance to the Site Audit report prepared by AECOM, dated 4 February 2014, titled 'site audit report 115 Bathurst

Street and 339 Pitt Street, Sydney, NSW' and the Site audit statement prepared by Brad Eismen from AECOM Australia Pty Ltd.

(58) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Construction Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Director City Planning, Development and Transport for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, noise and vibration, odours and dust emissions.

(59) BASEMENT CONCRETE SLAB

The current condition of the basement concrete slab must not be altered, damaged and or removed. The concrete must be left intact and maintained at all times during demolition, construction works as well post construction use of the site.

(60) COMPLAINTS - NOISE

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

(61) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the amended acoustic report prepared by Kezia Lloyd, 2013, titled '339 Pitt Street and 115 Bathurst Street, Sydney, project no. ACG1309300, must be implemented during construction and use of the premises, including the following:

- (a) Prior to a Stage 1 Construction Certificate the applicant is to submit a detailed acoustic report in relation to the type of equipment that will be installed onsite (as mentioned in section 5) and as well as the acoustic requirements of the front of house and leisure areas (as outlined in section 4 of the report). The report is to be submitted to City's Health and Building Unit, North Area.
- (b) The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants, certifying that the acoustic mitigation measures, design details as well as acoustic compliance criteria as detailed in section 3,4,5,6 and 7 in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to issue of Occupational Certificate.

(62) ACOUSTIC ASSESSMENT PRIOR TO OCCUPATION CERTIFICATE

A statement is required to be submitted to the Certifying Authority prior to Occupation Certificate being issued that certifies the development or proposed use is capable of, complying with the design criteria and operating without causing a nuisance.

(63) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval prior to CC.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

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

- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(64) NOISE - GENERAL

- (a) The emission of noise associated with the use of the operation of any mechanical plant and equipment shall comply with the following criteria:
 - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (b) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
 - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (iii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.
- (c) An LAeq,15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that:

- (i) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed.
- (ii) The LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating.
- (iii) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation.
- (iv) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

(65) COMPLIANCE WITH AIR QUALITY REPORT

The premises must comply with the requirements of the air quality report prepared by AECOM Australia Pty Ltd, dated 16 April 2013, titled ‘Cross City Tunnel Impacts on 115 Bathurst Street, Sydney’. Trim number: 2013/453008.

(66) NO SPEAKERS OR MUSIC OUTSIDE

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

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.

(67) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)

The archival recording of the 1965 building at 115-119 Bathurst Street Sydney should include accurate measured drawings of the following:

- (a) The building and the site as a whole including:
 - (i) Location Plan
 - (ii) Site Plan (1:500 or 1:200)
 - (iii) Floor Plan/s (1:100)

- (iv) Roof Plan/s (1:100)
- (v) Elevations and Sections (1:100)
- (b) Components of the building including the pre-cast concrete sun shades, pre-cast concrete cladding and glazing system at 1:10 or 1:5 scale, including detailed cross sections of the façade system.
- (c) Measured drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings can also be annotated or hatched to reveal more about the heritage significance of the site or object (e.g. to differentiate between dates of construction, materials and finishes and vegetation types). For further guidelines, refer to the NSW Heritage Office Heritage Information Series publication titled 'How to prepare Archival Records of Heritage Items'.
- (d) The measured drawings are to be submitted to and approved by Council prior to the issue of the Stage 1 Construction Certificate.

(68) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to the Stage 1 Construction Certificate being issued, an archival photographic recording of the building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives and one copy is to be lodged with the NSW Heritage Branch, Department of Planning and Environment.

Procedure

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

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

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

It is noted the first submission has already been satisfied. The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

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

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

(69) SALVAGED MATERIALS TO BE RETAINED ON SITE

Surviving early fabric displaced by the works is to be labelled and stored on site to facilitate future reinstatement. including wall tiles, doors, skirting boards, wainscot panelling and representative examples of bathroom fixtures and fitments. An inventory of stored items, the proposed storage location and the proposed method of reinstatement or reuse on the site must be submitted

to and approved by Council prior to the issue of the Stage 2 Construction Certificate.

(70) COMMEMORATIVE PLAQUE

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

(71) DISPOSAL OF SURPLUS SALVAGED MATERIALS

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

(72) HISTORIC MARKER

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

(73) MATERIALS

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

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

Prior to the issue of the Stage 2 Construction Certificate, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to class 2-9 building) and 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 the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(75) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – MINOR (ADDITIONS)

A practising certified structural engineer is required to provide original structural certification to the Principal Certifying Authority certifying that the existing structure can adequately support the proposed new loads to comply with Structural Provisions Part B1 including performance provisions BP1.1 and BP1.2 of the Building Code of Australia and Australian Standards prior to the Stage 2 Construction Certificate being issued.

(76) VERIFICATION OF SUPPORT FOR NEW LOADS

- (a) For alterations and additions to an existing building, a certificate from a qualified practicing structural engineer (NPER) must be submitted to the PCA prior to the Stage 2 Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.
- (b) The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions AS3826.

(77) CERTIFICATION OF GEOTECHNICAL INSPECTION

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

(78) GEOTECHNICAL REPORT AND CERTIFICATION

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

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;

- (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;
 - (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) Energy Efficiency – Building fabric - Part J1;
 - (xviii) Energy Efficiency – External glazing - Part J2
 - (xix) Energy Efficiency – Building sealing - Part J3
 - (xx) Energy Efficiency – Air-conditioning and ventilation - Part J5
 - (xxi) Energy Efficiency – Artificial lighting and power - Part J6
 - (xxii) Energy Efficiency – Access for maintenance - Part J8
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to the Stage 2 Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.

(80) 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.

(81) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(82) LETTERBOXES

All letterboxes are to be designed and constructed to be accessible from the public way. Details of the location and design of all letterboxes are to be submitted to and approved by Council prior to the Stage 3 Construction Certificate being issued.

(83) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Stage 3 Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site;
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Stage 3 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(84) GREEN WALLS

- (a) Prior to the issue of the Stage 3 Construction Certificate the following design details of the proposed green wall must be submitted to, and approved by Council:
 - (i) Detailed drawings demonstrating how the green wall is constructed, including proposed materials, planter dimensions, and integration into the wall structure;
 - (ii) Details of the proposed growing medium, including soil depth and method of soil temperature control;
 - (iii) Location, numbers, type and size of plant species;
 - (iv) Drainage, irrigation and waterproofing details (as applicable);
 - (v) Details of a maintenance plan for the structure and planting, including how access to the planter boxes and soil will be provided;
- (b) The design of the green wall must demonstrate the response to site conditions, including in particular light availability and wind impacts.

(85) PUBLIC ART

- (a) High quality art work must be provided within the development in publicly accessible locations, including near main entrances, in lobbies and on street frontages, in accordance with the Sydney DCP 2012 and the Public Art Policy.

- (b) A public art strategy that nominates artists, artworks and potential locations must be submitted to and approved by the Director City Planning, Development and Transport prior to the Stage 3 Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(86) PUBLIC DOMAIN PLAN - MODIFICATIONS

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

- (a) An amended, detailed Public Domain Plan must be prepared by an architect, urban designer, landscape architect or engineer to document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual) and must show the following information as a minimum:
 - (i) Paving material consistent with the Sydney Streets Design code. Please note the material shown on the Public Domain Plan submitted are inconsistent and will need to be changed.
- (b) The Public Domain Plan must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (c) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (e) A Public Domain Works 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 Deposit 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.

(87) BATHURST STREET PARKING BAYS

- (a) The on-street parking bays along the developments Bathurst Street frontage are to be removed and the footway widened to match the remaining kerb alignment.
- (b) The design of the footway widening must have consideration of the following:
 - (i) Drainage implications of the works,
 - (ii) Provision of street trees within the widened footway,
 - (iii) Street lighting,
 - (iv) Relocation of existing street furniture,
 - (v) Impacts of the Cross City Tunnel, including the ventilation
- (c) The design and construction of the footway widenings shall be undertaken in accordance with the City's current technical specification and standard details for civil works and submitted concurrently with the Public Domain Plan. Detailed plans and construction specifications for the footway widenings shall be prepared, submitted to and approved by the Director City Planning, Development and Transport prior to the issue of the first Construction Certificate. The submission shall include but not be limited to the following information:
 - (i) Detailed construction plans, drawn to scale by suitably qualified engineer, prepared and submitted concurrently with the Public Domain Plan. These plans shall be approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
 - a. Location of any existing service pits or drainage capture within the widened area
 - b. Details of proposed levels and gradients
 - c. Details of materials and finishes for the widening
 - d. Location and species of any street trees proposed

- (ii) Approval as required by the relevant traffic authorities (City of Sydney, Roads and Maritime Services, Transport for NSW, Local Pedestrian, Cycling and Traffic Calming Committee, Central Sydney Traffic and Transport Committee).
- (iii) All works in the approved plan is to be constructed prior to any Occupation Certificate being issued for the building.

(88) FOOTPATH DAMAGE BANK GUARANTEE

- (a) A Footpath Damage Bank Guarantee calculated on the basis of 180 lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The guarantee must be lodged with Council prior to issue of the Stage 1 Construction Certificate.
- (c) 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.

(89) ALIGNMENT LEVELS

- (a) Prior to the Stage 1 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.

(90) 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.

(91) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or the Stage 1 Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

The form of the recording is to be as follows:

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

(92) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to the Stage 1 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 the Stage 1 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 the Stage 1 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.

(93) PRESERVATION OF SURVEY MARKS

- (a) 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.
- (b) Prior to the issue of the Stage 1 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.
- (c) 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.
- (d) 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).

(94) 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".

(95) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.

- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to the Stage 1 Construction Certificate being issued.

(96) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 580 George Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of the Stage 1 Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(97) 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).

(98) 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.

(99) 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.

(100) 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.

(101) FOOTPATH DAMAGE BANK GUARANTEE

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

The guarantee must be lodged with Council prior to issue of the Stage 1 Construction Certificate.

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

(102) 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 the Stage 3 Construction Certificate being issued or the commencement of the use, whichever is earlier.

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

(104) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of the Stage 1 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.

(105) WASTE AND RECYCLING COLLECTION CONTRACT

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

(106) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to the Stage 2 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(107) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(108) WASTE MANAGEMENT FACILITIES

Prior to the issue of the Stage 3 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 designed to provide for:

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room,
- (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling,
- (c) the physical separation of residential waste from that generated by the commercial tenancies which is to be collected by a private contractor,
- (d) a minimum vertical clearance of 3.8 metres (taking pipes, ducts etc. into account) and sufficient space to provide for a minimum turning radius of 10.5m, for all areas accessed by Council's waste collection vehicles.

(109) CONSTRUCTION AND FITOUT OF FOOD PREMISES WITHIN HOTEL

- (a) Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.
- (b) The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.
- (c) Provision must be made for the installation of adequate mechanical exhaust for any future premises where food is to be prepared.
- (d) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- (e) Cooking must not commence until an air handling system, in accordance with the BCA, is installed and operational.
- (f) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (g) The floor must be coved at the intersection with the walls.

- (h) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (i) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- (j) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
- (k) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,

OR

A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

- (l) A separate and dedicated food preparation sink is to be provided within the food premises where foods are prepared by immersion in water.
- (m) A cleaners' sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises, preferably in the garbage room or separate from the food preparation and storage area.
- (n) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.
- (o) All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- (p) All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.

- (q) The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.
- (r) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (s) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
 - (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Stage 2 Construction Certificate.

- (t) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
 - (i) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
 - (ii) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - (iii) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - (iv) A door which can be opened at all times from inside without a key.

- (u) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (v) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- (w) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (x) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (y) The following requirements apply to clearances and supports of equipment:
 - (i) All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
 - (ii) All shelving must be fixed 25mm clear of the walls on solid metal brackets.
- (z) A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

(110) HOT WATER SUPPLY

The capacity of the hot water service must ensure a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. Hot water must be available at all sinks and hand wash basin without unnecessary delay. The temperature of the hot water provided to the double bowl sink must be a minimum of 77°C if hot water is being used as a sanitiser. Alternatively, chemical sanitiser must be provided and used at all times.

(111) FOOD STORAGE WITHIN HOTEL

- (a) All food and drink storage areas are to comply with the requirements of Food Standard Code 3.2.3 including the construction and finishes applied to floors, walls and ceilings.
- (b) Food and drink are not to be stored in any unauthorised areas, including but not limited to, garbage areas, toilet areas/airlocks and remote areas.

(112) FOOD PREMISES DATA BASE

Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.

(113) NOTIFY NSW FOOD AUTHORITY

Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:

- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- (b) The nature of the food business.
- (c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Health.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

(114) WASTE AND RECYCLING COLLECTION CONTRACT

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

(115) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the Stage 2 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.
- (d) The burning of charcoal, wood fired fuel or other solid fuel shall not be carried out on the premises, without prior approval from Council.

(116) NOISE - MECHANICAL PLANT AND EQUIPMENT

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

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15\text{minutes}}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

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

(117) CAR PARK VENTILATION

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

(118) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

(119) CONTAMINATED WASTE

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

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

(120) EMISSIONS

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

(121) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) 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.

- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(122) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

(123) BASIX

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

(124) COVERING OF LOADS

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

(125) 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).

(126) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) Work Health and Safety Act 2011.
- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) Work Health and Safety Regulation 2011.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

(127) 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 Stage 1 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.

(128) 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.

(129) 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.

(130) 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.

(131) 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.

(132) 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.

(133) 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.

(134) 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.

(135) 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.

(136) 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.

(137) 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.

(138) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(139) 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.

(140) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(141) NOTIFICATION OF EXCAVATION WORKS

The Principal Certifying Authority and Council must be given a minimum of 48 hours' notice that excavation, shoring or underpinning works are about to commence.

SCHEDULE 2

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

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

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

1. All work shall be carried out in accordance with the following documentation:
 - (a) Drawings:
 - (i) DA-2000 EXISTING & DEMOLITION BASEMENT 1 - HOTEL 02;
 - (ii) DA-2001 EXISTING & DEMOLITION LEVEL 00 - HOTEL 02;
 - (iii) DA-2002 EXISTING & DEMOLITION LEVEL MEZZANINE - HOTEL 02;
 - (iv) DA-2003 EXISTING & DEMOLITION LEVEL 01 - HOTEL 02;
 - (v) DA-2004 EXISTING & DEMOLITION LEVEL 02 - HOTEL 02;
 - (vi) DA-2005 EXISTING & DEMOLITION LEVEL 03 - HOTEL 02;
 - (vii) DA-2007 EXISTING & DEMOLITION LEVEL 04 - HOTEL 02;
 - (viii) DA-2008 EXISTING & DEMOLITION LEVEL 06 - HOTEL 02;
 - (ix) DA-2009 EXISTING & DEMOLITION ROOFTOP - HOTEL 02;
 - (x) DA-3005 PITT ST ELEVATION - PODIUM 03;
 - (xi) DA-3105 SECTION EE 03;
 - (xii) DA-3106 SECTION FF 03;
 - (xiii) DA-3107 SECTION GG 01;
 - (xiv) DA-3108 SECTION HH 01;
 - (xv) DA-5001 HOTEL GFA PLANS 01;
 - (xvi) DA-6000 HERITAGE PLAN BASEMENT - HOTEL 02;
 - (xvii) DA-6001 HERITAGE PLAN LEVEL 00 - HOTEL 02;
 - (xviii) DA-6002 HERITAGE PLAN MEZZANINE - HOTEL 02;
 - (xix) DA-6003 HERITAGE PLAN LEVEL 01 – HOTEL 02;
 - (xx) DA-6004 HERITAGE PLAN LEVEL 02 - HOTEL 02;
 - (xxi) DA-6005 HERITAGE PLAN LEVEL 03 - HOTEL 02;

- (xxii) DA-6006 HERITAGE PLAN LEVEL 04 - HOTEL 02;
 - (xxiii) DA-6007 HERITAGE PLAN LEVEL 05 - HOTEL 02;
 - (xxiv) DA-6008 HERITAGE PLAN LEVEL 06 - HOTEL 02;
 - (xxv) DA-6009 HERITAGE PLAN ROOF - HOTEL 02;
 - (xxvi) DA-6010 HERITAGE PLAN DETAIL BASEMENT - HOTEL 02;
 - (xxvii) DA-6011 HERITAGE ELEVATION DETAIL BASEMENT - HOTEL 02;
 - (xxviii) DA-6012 HERITAGE SECTION DETAIL BASEMENT – HOTEL 02;
and
 - (xxix) DA-6013 HERITAGE ELEVATION DETAIL WILMOT STREET - HOTEL 02.
- (b) Woods Bagot Design Report dated 22 November 2013 as amended to replace page 52 with revised pages 52, replace page 60 with revised page 62;
 - (c) Statement of Heritage Impact dated November 2013 prepared by Graham Brooks & Associates; and
 - (d) Statement of Environmental Effects dated November 2013 prepared by JBA Planning Consultants.

EXCEPT AS AMENDED by the following conditions:

2. Changes to basement level as identified by revised drawing titled page 45 of Woods Bagot Design Report are subject to further information being submitted to the satisfaction of the Director, Heritage Division as part of the section 60 application;
3. The proposed cantilever of the building envelope of the new tower over the northern side of the 1939 Building is approved only if the cantilever is self-supporting and its structural integrity is not based on demolition of any part of the 1939 Building;
4. The separation between the bottom of the cantilever of the new building and the top of the highest point of the 1939 building must be at least 12500mm. Details of how this will be achieved shall be submitted with the Stage 2 Section 60 Application and approved prior to a construction certificate being issued;
5. Approval for the 1965 building is contingent upon approval and implementation of substantial refurbishment works to the 1939 Building at 339-341 Pitt Street, to be detailed and formalised as part of Stage 2 Section 60 application. The refurbishment works would include but not be restricted to the reinstatement of the two-storey Ratings Chamber and the restoration of the building's facades to Pitt Street and Willmot Street. These works shall be completed prior to the issue of occupation certificate for the proposed building on 115-123 Bathurst Street, Sydney to the satisfaction of the Heritage Council or its delegate;

6. This approval does not include any subdivision and is based on an understanding that both the buildings will be retained by one owner. This approval should not be construed in any way to mean that a subdivision will be possible at a later date. A separate application will need to be submitted if a subdivision is proposed at a later date that will be considered on its own merits;
7. Removal of relics of state significance is not approved. Parts of the proposed development may need design changes or even deletion, if required, to avoid removal of archaeological relics of state significance. If any significant archaeological relics are found during the construction, the work must be stopped immediately and the Heritage Division, Office of Environment and Heritage be informed; and
8. An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

Carried unanimously.

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, 7, 8 and 9, as follows, be adopted.

Carried unanimously.

ITEM 4 DEVELOPMENT APPLICATION: 161 CLARENCE STREET - 163-165 CLARENCE STREET AND 304 KENT STREET SYDNEY (D/2013/1707)

It is resolved that:

- (A) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clause 4.3 (Building Height) and Clause 4.4 (Floor Space Ratio) of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2013/1707, subject to the following:

(1) SURRENDER OF PRIOR DEVELOPMENT CONSENT

Prior to the consent becoming operable, the applicant/owner of the site must surrender the existing development consent for the site numbered D/2008/150 pursuant to the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act, 1979 and Section 97(1) and Section 97(2) of the Environmental Planning and Assessment Regulations 2000;

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 2 years of the date of 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;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that the deferred commencement consent conditions as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION

This consent allows construction works to be broken into 9 stages, as follows:

- (a) Construction Stage 1A – demolition;
- (b) Construction Stage 1B – archaeological excavations and investigation;
- (c) Construction Stage 2 – excavation and footings;
- (d) Construction Stage 3 – construction of in-ground services and infrastructure;
- (e) Construction Stage 4 – construction of structure from basement to Level 1;
- (f) Construction Stage 5 – construction of the remainder of the structure from Level 2 upwards;
- (g) Construction Stage 6 – fit-out and finishes, installation of services and facade works up to Level 1;
- (h) Construction Stage 7 – fit-out and finishes, installation of services and facade works from Level 2 upwards;
- (i) Construction Stage 8 – public domain works, installation of public art and landscaping of the site.

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1707, dated 5 November 2013, and the following drawings:

Drawing Number	Architect	Date
A-093 Revision H <i>Basement B7</i>	Koichi Takada Architects	14 February 2014
A-098 Revision H <i>Typical Basement B2 to B6</i>	Koichi Takada Architects	14 February 2014
A-099 Revision H <i>Basement 1</i>	Koichi Takada Architects	14 February 2014
A-099.1 Revision H <i>Basement 0 – Loading Dock</i>	Koichi Takada Architects	14 February 2014
A-100 Revision H <i>Ground Floor (Kent St Entry)</i>	Koichi Takada Architects	14 February 2014
A-101 Revision H <i>Level 1 (Clarence St Entry)</i>	Koichi Takada Architects	14 February 2014
A-102 Revision H <i>(Typical Level 2 to Level 7)</i>	Koichi Takada Architects	14 February 2014
A-108 Revision H <i>Level 8</i>	Koichi Takada Architects	14 February 2014
A-109 Revision H <i>Level 9</i>	Koichi Takada Architects	14 February 2014
A-110 Revision H <i>Level 10</i>	Koichi Takada Architects	14 February 2014
A-111 Revision H <i>Level 11</i>	Koichi Takada Architects	14 February 2014
A-112 Revision H <i>Level 12</i>	Koichi Takada Architects	14 February 2014

Drawing Number	Architect	Date
A-113 Revision H <i>Level 13 & Level 14</i>	Koichi Takada Architects	14 February 2014
A-115 Revision H <i>Typical Level 15 to Level 21</i>	Koichi Takada Architects	14 February 2014
A-122 Revision H <i>Level 22 & Level 23</i>	Koichi Takada Architects	14 February 2014
A-124 Revision H <i>Level 24</i>	Koichi Takada Architects	14 February 2014
A-125 Revision H <i>Level 25</i>	Koichi Takada Architects	14 February 2014
A-126 Revision H <i>Level 26 – Roof Plan</i>	Koichi Takada Architects	14 February 2014
A-200 Revision H <i>Clarence Street Elevation</i>	Koichi Takada Architects	14 February 2014
A-201 Revision H <i>Kent Street Elevation</i>	Koichi Takada Architects	14 February 2014
A-202 Revision H <i>King Street Elevation</i>	Koichi Takada Architects	14 February 2014
A-203 Revision H <i>North Elevation</i>	Koichi Takada Architects	14 February 2014
A-300 Revision H <i>Section 1</i>	Koichi Takada Architects	14 February 2014
A-301 Revision H <i>Section 2</i>	Koichi Takada Architects	14 February 2014
A-302 Revision H <i>Section 3</i>	Koichi Takada Architects	14 February 2014
A-303 Revision H <i>Section 4</i>	Koichi Takada Architects	14 February 2014
A-304 Revision H <i>Section 5</i>	Koichi Takada Architects	14 February 2014

Drawing Number	Architect	Date
A-350 Revision E <i>Typical Tower Facade Detail 01</i>	Koichi Takada Architects	23 October 2013
A-351 Revision E <i>Typical Tower Facade Detail 02</i>	Koichi Takada Architects	23 October 2013
A-352 Revision E <i>Podium Facade Detail 01</i>	Koichi Takada Architects	23 October 2013
A-353 Revision E <i>Podium Facade Detail 02</i>	Koichi Takada Architects	23 October 2013

and as amended by the conditions of this consent.

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

(3) 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 Koichi Takada Architects, submitted with the application (undated).

(4) DESIGN QUALITY EXCELLENCE

- (a) Design Excellence has been achieved and an award of bonus floor space granted. 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.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) Amended plans shall be submitted to, and approved by, Council's Director City Planning, Development and Transport prior to the issue of a Stage 4 Construction Certificate being issued, which illustrate the floor space of the development having being reduced to a maximum of 12.037:1, as calculated in accordance with the definition of 'gross floor area' contained within the Sydney Local Environmental Plan 2012.
- (b) Floor Space Ratio of the proposal must not exceed 12.037:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the maximum Gross Floor Area of the approved development (as modified by (a), above) shall not exceed 17,309.64sqm.
- (c) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environment Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (d) Prior to a Stage 4 Construction Certificate being issued, Council's written verification must be obtained, confirming that 1,559sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012 (and as reduced under the provisions of Clause 6.11(2) of SLEP 2012).

(6) BUILDING HEIGHT

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

	Maximum RL
Uppermost Slab Level (Level 25)	97.650
Top of the Lift Overrun/Plant	101.850
Top of Architectural Roof Feature	106.100

- (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.

(7) APPROVED DESIGN ROOF - TOP PLANT

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

(8) USE - SEPARATE DA REQUIRED

A separate development application for the fit-out and use of each individual retail tenancy must be submitted to and approved by Council prior to that fit-out or use commencing, unless that future use is classified as exempt development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(9) USE OF COMMON AREAS AND FACILITIES

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

(10) NO ENCLOSURE OF ROOF STRUCTURES

The architectural roof feature and/or roof top structures shall not be modified at any time to allow the enclosure of any part of the roof terraces.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Development Contributions Plan 2013, in accordance with the following:

- (a) Prior to any Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.

- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

(12) SIGNS - SEPARATE DA REQUIRED

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

(13) SIGNAGE STRATEGY

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

(14) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of any Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum, is to be created and registered on the Title of the consolidated development site. The Easement is to include the lift (notated as L6 on the approved plans) and also be defined over an east-west strip of land, nominally at least 4 metres in width, extending from the eastern alignment of Kent Street and leading to the western alignment of Clarence Street, as shown on approved plans numbered A-100 and A-101, Revision H. The stratum of the Easement is to be limited in depth to the floor surface of the passageway and stairs leading from Kent Street to Clarence Street, and limited in height to the underside of Level 7, above.

- (b) The Easement is also to be defined over a further strip of land, nominally at least 4 metres in width, extending from the termination of Skittle Lane to its intersection with the east-west Right of Public Access described above. The stratum of the Easement is to be limited in depth to the floor surface of Level 1, and limited in height to the underside of Level 7, above.
- (c) The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction.
- (d) Prior to the issue of any Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the consolidated development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (Apartment numbers #04 to #09, inclusive, on levels 2 to 8 and all apartments on levels 9 to 24, inclusive) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued 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.

(16) RESTRICTION ON SERVICED APARTMENTS

The following restriction applies to buildings approved for serviced apartment use:

- (a) The accommodation portion of the building (Apartments numbered #01 to #03 and #10 to #12 on levels 2 to 8, inclusive) must be used as serviced apartment accommodation only and not for permanent residential purposes or any other use.
- (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 "serviced apartment" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to any 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.

(17) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

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

(18) RESTRICTION ON SUBDIVISION OF SERVICED APARTMENTS

Prior to the issue of an Occupation Certificate, a documentary Restriction on Use of Land is to be registered on the Title of the subject land in terms to the satisfaction of Council prohibiting the Strata Subdivision of the component of the building (on Levels 2 to 8) to be occupied by serviced apartments, with the Council being the authority to release, vary or modify the restriction.

(19) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION

The use and operation of the serviced apartments must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and Sydney Development Control Plan 2012.

(20) SERVICED APARTMENTS PLAN OF MANAGEMENT

The on-going use and operation of the serviced apartment component of the development shall be in accordance with the 'Operational Plan of Management – Serviced Apartments', prepared by Tony Paskell for Crown Central Developments Pty Ltd, dated 12 February 2014.

(21) 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.

(22) 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.

(23) CAR PARKING SPACES AND DIMENSIONS

A maximum of 105 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 6 Construction Certificate being issued.

(24) ALLOCATION OF PARKING

The 105 approved parking spaces must be allocated as detailed below. **Note:** This maximum does not include service vehicle loading bays and drop-off spaces for the serviced apartment use.

All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation:

The maximum number of car parking spaces that shall be allocated to each use is:

- (a) 92 residential parking spaces;
- (b) 12 serviced apartment parking spaces; and
- (c) 1 retail parking spaces.

Note: A minimum of 2 car share spaces shall be provided within the basement, and shall be accommodated for within the maximum 105 car parking spaces.

(25) CAR SHARE SPACES

- (a) A minimum of two (2) car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

(26) MOTORCYCLES

An area equivalent to a minimum of 2 car spaces must be provided for motorcycles.

(27) SERVICE VEHICLES

A maximum of 5 service vehicle loading/parking spaces (in addition to the 105 car parking spaces) shall be provided within the basement car park.

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Certifying Authority prior to a Stage 6 Construction Certificate being issued.

(28) SERVICE VEHICLE SIZE LIMIT

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

(29) ACCESSIBLE CAR PARKING SPACES

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

(30) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(31) 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.

(32) ALLOCATION FOR CAR WASH BAYS

If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(33) ALLOCATION FOR DROP OFF BAY

If drop off bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

(34) BICYCLE PARKING

A minimum of 212 bicycle parking spaces are to be provided, including a minimum of 178 for residents, 5 for employees and 29 for visitors/customers.

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

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

(35) BICYCLE FACILITIES

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

- (a) 1 showers with change area; and
- (b) 5 personal lockers.

(36) VEHICLE ACCESS

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

(37) SIGNS AT EGRESS

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

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

(38) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

(39) 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.

(40) LOCATION OF DRIVEWAYS

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

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

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

(41) VEHICLE FOOTWAY CROSSING

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

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

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

(42) 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.

(43) 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.

(44) TRAFFIC WORKS

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

(45) 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".

(46) 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.

(47) 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.

(48) EXTERNAL LIGHTING

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

(49) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Stage 7 Construction Certificate.

(50) WIND ENVIRONMENT STUDY

The recommendations of the Pedestrian Wind Environment Study (Reference number W606-08F03 Rev 1), prepared by Windtech Consultants Pty Ltd, dated 23 October 2013, shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 8 Construction Certificate.

(51) LAND CONTAMINATION

- (a) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation), a Site Audit Statement (SAS) from a NSW EPA Accredited Site Auditor is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (b) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council, these should be reviewed and approved by Council before the SAS is issued.

(52) ACID SULFATE SOILS

- (a) If any new information comes to light during remediation, excavation, demolition or construction works which has the potential to alter previous conclusions about Acid Sulfate Soil identification and remediation, then this must be immediately notified to the Council and the Principal Certifying Authority.

- (b) All works are to be in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone Class 5.

(53) NOISE USE

(a) General criteria

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

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

(b) Internal to internal noise transmission - residential amenity

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

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

- (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding air-conditioning equipment) normally servicing the affected residence operating.

(c) **Internal to internal noise transmission – commercial amenity**

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

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

(54) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

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

(55) 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.

(56) DEWATERING

- (a) If any dewatering of the site is to be undertaken, a bore licence may be required from the Department of Water and Energy (DWE) under the provisions of Part V of the Water Act 1912. The DEW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

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

- (b) DWE has advised that the following information must be provided with any licence application for dewatering purposes, in order for the submission to be processed:
- (i) The method of construction proposed for that part of the development extending beneath the water table that will preclude the need for any type of permanent dewatering facility or activity;
 - (ii) The method of temporary dewatering to be adopted during construction and the types and number of pumping and reinjection installations that will be utilised;
 - (iii) An accurate plan, to scale, of the property identifying the location of groundwater works to be used in the temporary dewatering activity and the location of any discharge or reinjection points;
 - (iv) Records of groundwater levels beneath the subject property from at least three on-site locations each with at least three weekly measurements prior to the commencement of dewatering;
 - (v) The amount of lowering of the local water table required to accommodate the excavation necessary for the proposed construction;
 - (vi) An estimate of the total volume of groundwater to be extracted, in kilolitres or megalitres;
 - (vii) An estimate of the total volume of tail water that is to be reinjected, in kilolitres or megalitres;
 - (viii) An estimate of individual and composite flow rates for all extraction and reinjection installations, in litres per second;
 - (ix) An estimate of the duration over which dewatering pumping is to take place, in days, weeks or months;
 - (x) Predictions of the impacts of dewatering pumping on any licensed groundwater users, significant infrastructure such as tunnels or pipelines, or groundwater dependent ecosystems in the vicinity of the site;
 - (xi) Laboratory results from the analysis of groundwater quality samples taken prior to the commencement of dewatering to assess the presence of any contaminants and comparison with documented water quality objectives or criteria;
 - (xii) An assessment of the potential for salt water intrusion to occur as a result of the dewatering pumping for sites within 250 metres of any foreshore;

- (xiii) The method of disposal of excess tail water (either street drainage to the stormwater system or discharge to sewer under a trade waste agreement) if reinjection is not proposed then written advice and approval should be obtained from the relevant controlling authority indicating that the proposed means of disposal is acceptable;
 - (xiv) The compatibility of the tail water and the intrinsic or ambient groundwater in the vicinity or property if reinjection is proposed, including written advice on:
 - a. The treatment to be applied to the tail water to remove extant contamination;
 - b. The measures to be adopted to prevent redistribution of contaminated groundwater due to either pumping or reinjection;
 - c. The means to avoid degrading impacts on an identified beneficial use of groundwater.
 - (xv) Written advice from a geotechnical professional whether there is any significant risk that the proposed dewatering rates and duration may cause any off-site impacts, such as damage to surrounding buildings or infrastructure, as a result of different sediment compaction and surface settlement during and following pumping;
 - (xvi) The proposed monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions, including:
 - a. Locations and schedules of water levels measurements at site boundaries;
 - b. Locations of settlement monitoring points, if required, and schedules of measurement;
 - c. Locations and schedules of groundwater, tail water or reinjection water quality sampling.
 - (xvii) The specific information related to the dewatering activity that is to be provided to the department on expiration of the temporary dewatering licence. DWE also requires copies of any hydrogeological or geotechnical reports of relevance to the proposed dewatering activity. A separate report is required by DWE at the completion of construction detailing the performance of the dewatering system, in particular describing the amounts and quality of groundwater extracted from the site.
- (c) The application is required to confirm to Council that no dewatering is required for the construction project, or that a Licence has been applied for and approved by the DWE before the commencement of any works on site. Any conditions attached to the Dewatering Licence awarded by the DWE must form part of this consent.

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.

(57) COMPLIANCE WITH ARCHAEOLOGICAL ASSESSMENT REPORT

The recommendations of the Archaeological Assessment Report, prepared by Edward Higginbotham & Associates Pty Ltd, dated October 2013, shall be implemented at all times during demolition, excavation and construction works on site.

(58) ARCHAEOLOGICAL INVESTIGATION

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

(59) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to any Construction Certificate being issued, an archival photographic recording of the site and any archaeology uncovered during the investigations is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

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

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

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

- (A) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Stage 1A Construction Certificate being issued.
- (B) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to any Occupation Certificate being issued.

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

- (a) For each of the two submissions listed above in (A) and (B), the form of the recording is to be as follows:
 - (i) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
 - (ii) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.
 - (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) Include written confirmation, issued with the authority of both the applicant and the photographer, that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (b) A digital based recording is to include:
 - (i) CD or DVD containing the report in PDF format and the electronic images saved as JPEG TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.
- (c) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(60) SANDSTONE RECYCLING

- (a) A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Director City Planning, Development and Transport Division prior to the issue of the Stage 1B Construction Certificate. The report is to include an investigation into the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- (b) The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.
- (c) Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a

useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.

- (d) In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.
- (e) The programming of the works is to take into account, the above process.

(61) SITES IN THE VICINITY OF A HERITAGE ITEM

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Director City Planning, Development and Transport Division prior to the issue of a Stage 1A Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 153-159 Clarence Street and 40 King Street (306 Kent Street), and the road surfaces at Skittle Lane, are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally, the protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (ii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (iii) Details of the proposed protection of side boundary walls from damp and water ingress during the works.
 - (iv) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.

(62) DISPOSAL OF SURPLUS SALVAGED MATERIALS

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

(63) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation plan for both the archaeological features and the site must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 4 Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of both the archaeological features and the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (c) In the event that the archaeological investigations on site result in the discovery of artefacts and other relics, amended plans shall be submitted to nominate a publically accessible location on site for the display and interpretation of these artefacts.
- (d) Prior to the issue of any Occupation certificate the approved interpretation plan must be implemented to the satisfaction of Council.

(64) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council prior to a Stage 4 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities

provided in the development and ensure arrangements are in place for domestic waste collection by Council.

(65) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Stage 4 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 designed to provide for:

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room.
- (b) the residential garbage room servicing the proposed building to include adequate space for the separation of putrescible waste from waste suitable for recycling.

(66) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 4 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(67) WASTE AND RECYCLING COLLECTION CONTRACT (SERVICED APARTMENTS)

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

(68) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(69) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

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

(70) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work, the following details must be submitted to and be approved by the Principal Certifying Authority:
- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process.

Compressed air must not be used to blow dust from the building site).

- (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
 - (xiii) Induction training for on-site personnel.
 - (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
 - (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xvi) Disconnection of utilities.
 - (xvii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xix) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xxi) Working hours, in accordance with this development consent.
 - (xxii) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(71) DEMOLITION, EXCAVATION & CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan shall be submitted to the Council for comment and approval prior to the issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

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

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

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

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads.
 - (ii) approximate grades and indications of direction(s) of fall.
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention.
 - (iv) location of site access, proposed roads and other impervious areas.
 - (v) existing and proposed drainage patterns with stormwater discharge points.
 - (vi) north point and scale.
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works.
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained.
 - (iii) access protection measures.
 - (iv) nature and extent of earthworks, including the amount of any cut and fill.
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas.
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology.
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s).
 - (viii) frequency and nature of any maintenance program.
 - (ix) other site-specific soil or water conservation structures.

(73) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 153-159 Clarence Street, 171 Clarence Street and 306 Kent Street, Sydney are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Stage 1A Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

(74) 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).

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

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

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

- (a) Prior to a Stage 1B Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):

- (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- (d) Prior to issue of Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of

the development. This certification is to include relevant photographs and must be to the satisfaction of Council's Director City Planning, Development and Transport.

(76) 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) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) 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.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(77) CONTAMINATED WASTE

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

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

(78) 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.

(79) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 6 Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.

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

(80) LANDSCAPED (GREEN) ROOFS

Prior to the issue of a Stage 8 Construction Certificate the following design details of the proposed landscaped roof area and balcony areas 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, that includes:
 - (i) Location of existing and proposed structures on the rooftop, including cross-sectional details of all components on the green roof;
 - (ii) Minimum 30% green cover on the roof gardens on the 25th floor;
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (where applicable);
 - (iv) Details of the soil / media depth with a preference for minimum soil depths of 200mm for grass, 400mm shrubs and 800mm for larger trees;
 - (v) Details of drainage and irrigation systems, including overflow provisions.

- (b) Prior to the issue of a Stage 5 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) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) 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.

(81) STREET TREES THAT MUST BE RETAINED

- (a) No approval is granted for the removal of the street trees listed in the following table, which Council has determined to be prominent landscape elements.
- (b) All trees detailed in the following table are to be protected throughout the proposed construction works.

Tree No:	Botanical Name	Dimension (metres)	Setback Required
1 & 2	<i>Populus nigra Italica</i>	14 x 8	3 metres
3	<i>Populus simonii</i>	8 x 5	3 metres
4	<i>Platanus acerifolia</i>	10 x 8	3 metres

(82) STREET TREE PROTECTION

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

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

- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
 - (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
 - (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the construction works.
 - (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(83) ELECTRICITY SUBSTATION

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

(84) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage 1A 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.

(85) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Stage 7 Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(86) ACOUSTIC PRIVACY BETWEEN UNITS

The development must be designed and constructed to satisfy the requirements of the Sydney DCP 2012 acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the certifying authority prior to the issue of a Stage 7 Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.

The report must:

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

(87) FLOOR TO CEILING HEIGHT

Prior to a Stage 5 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(88) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the Sydney Development Control Plan 2012.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Stage 4 Construction Certificate being issued.

(89) ADAPTABLE HOUSING

Prior to a Stage 5 Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Sydney Development Control Plan 2012; and
- (b) demonstrating (in a checklist) compliance with Australian Standard AS4299

is to be submitted to the Certifying Authority.

(90) PHYSICAL MODELS

- (a) Prior to a Stage 5 Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to an Occupation Certificate being issued, an accurate 1:500 scale mode 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, 1979) that affect the external appearance of the building.

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

- (a) Prior to a Stage 5 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, 1979) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

(92) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Stage 1A Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$359,500 dollars as security for the costs of such works provided that:
 - a. The maximum liability under the Deed must not exceed \$359,500 dollars; and

- b. The Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
- (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

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

- (e) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.
 - (iii) Stage 3 – Issue of the Final Occupation Certificate.
- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from an accredited certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(93) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 32 linear metres of asphalt footway on the Clarence Street site frontage and 42 linear metres of asphalt footway on the Kent Street 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 Stage 1A 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.

(94) 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.

(95) 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.

(96) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

(97) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building(s), will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(98) PUBLIC ART

High quality art work must be provided within the development in the publicly accessible through-site link of the site, in accordance with the recommendation of the 'Public Art Strategy', prepared by Artscape, dated 14 February 2014, and must also be in accordance with the provisions of the Sydney DCP 2012 and the Public Art Policy.

Details of the art work must be submitted to and approved by the Director City Planning, Development and Transport prior to a Stage 8 Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(99) ALIGNMENT LEVELS

- (a) Prior to a Stage 2 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.

(100) PUBLIC DOMAIN PLAN

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

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section with the Stage 2 Construction Certificate and be approved by Council prior to a Stage 4 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.

(101) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage 4 Construction Certificate being issued, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

(102) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to a Stage 1A Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

The form of the recording is to be as follows:

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

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

(103) 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 Stage 1A 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).

(104) 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".

(105) PROTECTION OF STONE & STONE KERBS

- (a) The existing stone kerbs on the Kent Street and Clarence Street frontages of the site and existing stone within Skittle Lane shall be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone and stone kerbs during construction and/or excavation works for the development, temporary removal and storage of the stone and stone kerbs may be approved by Council. Removed, serviceable stone and stone kerbs (i.e. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and/or

excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone and stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

- (c) Damaged stone and stone kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before the stone or stone kerbs are removed.

(106) STORMWATER AND DRAINAGE

The final stormwater drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document, dated July 2006 and generally in accordance with the Concept Plans numbered SW00, Rev B to SW 07, Rev B, prepared by C&M Consulting Engineers. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

Prior to the issue of a Stage 3 Construction Certificate, documentation to illustrating compliance with the above, and the following stormwater disposal and drainage requirements, shall be submitted to Council for approval:

- (a) Stormwater run-off for all areas proposed for development shall be collected and controlled by Rainwater Tank of capacity 5,000L in accordance with the BASIX Certificate, and generally in accordance with the Concept Plans numbered SW00/B-SW 07/B, prepared by C&M Consulting Engineers;
- (b) Final Stormwater drainage shall be prepared by a Professional Civil Engineer in accordance with the above requirements, Council Policies for Stormwater Connection and Engineering Standards AS 3500.3;
- (c) Evidence from Sydney Water for the proposed connection into the stormwater systems at Kent Street;
- (d) Confirmation from Sydney Water to state that On-site detention is not required.
- (e) MUSIC model is required to demonstrate the compliance with the water quality requirements of City of Sydney SDCP 2012, CI 3.7.2&3.7.3 and should be submitted to Council for approval.

(107) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Stage 6 Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(108) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a construction certificate being issued.
 - (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) Heating appliances, fireplaces, chimneys and flues - Part G2;
 - (xviii) Atrium construction - Part G3;
 - (xix) Energy Efficiency - Building fabric - Part J1;
 - (xx) Energy Efficiency - External glazing - Part J2;
 - (xxi) Energy Efficiency - Building sealing - Part J3;
 - (xxii) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
 - (xxiii) Energy Efficiency - Artificial lighting and power - Part J6;
 - (xxiv) Energy Efficiency - Hot water supply - Part J7;
 - (xxv) Energy Efficiency - Access for maintenance - Part J8;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the 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.

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

Prior to the issue of a Stage 3 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).

(111) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(112) 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.

(113) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issuing of a Stage 1B Construction Certificate, a Geotechnical inspection report/certificate confirming that the development site is suitable for the proposed development must be provided to Council (if Council is the certifying authority). The certificate must be in accordance with Clause A2.2(a)(iii) of the Building Code of Australia and be prepared by an appropriately qualified person.

(114) 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.

(115) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Stage 4 Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the certifying authority.

(116) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000. Note: Guidance may also be obtained from the NSW Health Department's Public Swimming Pool and Spa Pool Guidelines.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(117) 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.

(118) BASIX

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

(119) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building 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 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, 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.

(120) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(121) NOTIFICATION OF EXCAVATION WORKS

The Principal Certifying Authority and Council must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

(122) HAZARDOUS AND INDUSTRIAL WASTE

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

- (a) Protection of the Environment Operations Act 1997.
- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) Work Health and Safety Act 2011.
- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) Work Health and Safety Regulation 2011.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

(123) 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 8.00am – 1.00pm and 2.00pm to 5.00pm Mondays to Fridays and 9.00am – 1.00pm on Saturdays and no operation is permitted on Sundays or public holidays, or any other hours as approved by Council in writing.
- (b) All reasonable and feasible steps must be undertaken to ensure that all works complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

(124) 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.

(125) RAINWATER TANKS

The installation and use of any rainwater tank(s) must comply with the following:

- (a) be constructed of a non-reflective, structurally sound and non-corrosive material with a leaching resistant capability;
- (b) have all plumbing work carried out by a licensed plumber in accordance with the New South Wales Code of Practice- Plumbing and Drainage and AS3500 and Guidelines for rainwater tanks on residential properties- Plumbing requirements;
- (c) be installed by suitably qualified persons and be fixed to structurally adequate base or wall in accordance with manufacturer's specifications or engineer's details;
- (d) not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without the prior approval being obtained from the adjoining land owner/s;
- (e) be fitted with a first flush device;
- (f) have openings suitably sealed to prevent access by children and be fitted with a fine mesh screen to prevent penetration of contaminants and insects such as mosquitoes;
- (g) have an overflow device fitted to the rainwater tank which directs water to a complying stormwater drainage system;
- (h) have a suitable drainage plug/tap fitted and positioned to allow for easy flushing and cleaning of the tank/s;

- (i) where water pumps are installed, be located so as to not cause an offensive noise as defined by the Protection of the Environment Operations Act 1997;
- (j) have all taps, outlets and pipes coloured 'mauve' and marked "non-potable water - not for drinking" in accordance with the AS 1345.

(126) COVERING OF LOADS

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

(127) 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.

(128) 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.

(129) 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.

(130) 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.

(131) 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.

(132) 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.

(133) 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.

(134) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(135) 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.

(136) 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.

(137) 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.

(138) STREET NUMBERING – MAJOR DEVELOPMENT

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

SCHEDULE 2

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

SCHEDULE 3

(139) TRANSPORT FOR NEW SOUTH WALES (TfNSW) REQUIREMENTS

- (a) Any construction works associated with the Stage 2 development application must be undertaken in accordance with the Deed of Agreement that was executed on 12 February 2013. Aspects of the Deed that must be complied with include but are not limited to:
 - (i) Provide TfNSW allowances for the future construction of railway tunnels in the vicinity of the approved development;

- (ii) Identify allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iii) Allow access by representatives of TfNSW to the site of the approved development and all structures on that site;
 - (iv) Provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development; and
- (b) All requirements contained in the Deed between TfNSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (c) In addition, the following shall take place prior to any construction certification being issued for the approved development:
 - (i) The developer must consult with TfNSW prior to issue of a Stage 1A Construction Certificate; and
 - (ii) A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
- (d) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
- (e) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
- (f) The developer must undertake detailed geotechnical analysis prior to issue of any construction certification to demonstrate likely movements of the ground due to the future CBDRL.
- (g) No modifications may be made to that approved design without the consent of TfNSW.
- (h) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

- (i) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.

Carried unanimously

Note. Item 5 was dealt with at an earlier stage of the meeting (see page 136).

Note. Item 6 was dealt with at an earlier stage of the meeting (see page 132).

ITEM 7 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 8 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 9 PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF 163 BROUGHAM STREET WOOLLOOMOOLOO (S107132)

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo for public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to the Planning and Development Committee on 6 May 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; and

- (D) the Central Sydney Planning Committee note the recommendation to the Planning and Development Committee on 6 May 2014 that Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all her functions under section 59 of the Environmental Planning and Assessment Act 1979 to make an amendment to Sydney Local Environmental Plan 2012 to list 163 Brougham Street, Woolloomooloo, as a heritage item.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.55pm.

CHAIR