

CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 407
Thursday 30 October 2014
Notice Date 24 October 2014

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST	383
2. CONFIRMATION OF MINUTES	486
3. MATTERS ARISING FROM THE MINUTES.....	486
4. ELECTION OF DEPUTY CHAIRPERSON.....	486
5. DEVELOPMENT APPLICATION: 128-150 ROSS STREET FOREST LODGE - FORMER HAROLD PARK PACEWAY.....	384
6. DEVELOPMENT APPLICATION: 19 CARILLON AVENUE CAMPERDOWN	383
7. DEVELOPMENT APPLICATION: 331-337 KENT STREET SYDNEY	425
8. DEVELOPMENT APPLICATION: 511-515 BOTANY ROAD ZETLAND	432
9. POST EXHIBITION - PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF 163 BROUGHAM STREET, WOOLLOOMOOLOO	481
10. POST EXHIBITION – LACHLAN PRECINCT WATERLOO, PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT	482
11. MILLERS POINT HERITAGE CONSERVATION AREA – AMENDMENT TO PLANNING CONTROLS	483
12. MINOR POLICY AND HOUSEKEEPING AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 AND SYDNEY DEVELOPMENT CONTROL PLAN 2012	484
13. PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS	485

PRESENT

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

Members - The Hon. Craig Knowles, Councillor Robert Kok, Councillor John Mant, Mr Peter Poulet and the Hon. Robert Webster.

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

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

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

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

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

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

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

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 Item 6 be brought forward and dealt with prior to Item 2.

ITEM 6 DEVELOPMENT APPLICATION: 19 CARILLON AVENUE CAMPERDOWN (D/2013/1973)

Ms Deborah Willcox, General Manager, Royal Prince Alfred Hospital and A/Director Operations, Sydney Local Health District, addressed the meeting of the Central Sydney Planning Committee on this matter.

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

It is resolved that consideration of this matter be deferred to the next meeting of the Central Sydney Planning Committee to allow further discussion between the Applicant and the neighbour over the issues raised at the meeting.

Carried unanimously.

Note. Item 2 was dealt with at a later stage of the meeting (see page 486).

Note: Item 3 was dealt with at a later state of the meeting (see page 486).

Note: Item 4 was dealt with at a later stage of the meeting (see page 486).

ITEM 5 DEVELOPMENT APPLICATION: 128-150 ROSS STREET FOREST LODGE - FORMER HAROLD PARK PACEWAY (D/2014/653)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Virginia Osborne and Mr William Smart.

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that consent be granted to Development Application No. D/2014/653, subject to the following conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/653 dated 13 May 2014 and the following drawings:

Drawing Number	Architect	Date
NP:001/B Envelope Plan	Smart Design Studio	18/09/14
NP:100/B Basement Plan	Smart Design Studio	18/09/14
DA:101/B Ground Floor Plan	Smart Design Studio	23/09/14
DA:102/B Level 1 Floor Plan	Smart Design Studio	23/09/14
DA:103/B Level 2 Floor Plan	Smart Design Studio	23/09/14
DA:104/B Level 3 Floor Plan	Smart Design Studio	23/09/14
NP:105/B Roof Plan	Smart Design Studio	18/09/14
NP:300/B Elevations	Smart Design Studio	18/09/14
NP:301/B Elevations	Smart Design Studio	18/09/14
NP:400/B Sections	Smart Design Studio	18/09/14
DA:002/B GFA Areas	Smart Design Studio	23/09/14

Drawing Number	Architect	Date
DA:550/B Adaptable Apartment Layout	Smart Design Studio	23/09/14
DA-P4B-02/B Site Analysis	Mirvac Design	16/09/14
DA-P4B-03/B Carpark Access	Mirvac Design	16/09/14
DA-P4B-10/B Basements	Mirvac Design	16/09/14
DA-P4B-11/B Level 01 & 02	Mirvac Design	16/09/14
DA-P4B-12/B Level 03 & 04	Mirvac Design	16/09/14
DA-P4B-13/B Level 05 & 06	Mirvac Design	16/09/14
DA-P4B-14/B Level 07 & 08	Mirvac Design	16/09/14
DA-P4B-15/B Roof Plan	Mirvac Design	16/09/14
DA-P4B-20/B Elevations	Mirvac Design	16/09/14
DA-P4B-21/B Detail Elevations	Mirvac Design	16/09/14
DA-P4B-22/B Sections	Mirvac Design	16/09/14
DA-P4B-30/B Area Calculations	Mirvac Design	16/09/14
DA-P4B-40/B Adaptable Apartment Types	Mirvac Design	16/09/14

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

Building 4A

- (a) The Maxwell Road entry should be modified as follows:
- (i) Lower the sandstone wall to a maximum of 900mm in height. Palisade fencing or planting should be used if a balustrade is required.
 - (ii) Include highlight windows to the bathroom and ensuite of apartment 301 to reduce the amount of blank wall to Maxwell Road.

- (iii) Relocate the ramp to run perpendicular to the entry doors to allow for planting in front of the side wall of apartment 301.
- (b) All fencing along the western (park) elevation is to be constructed of sandstone.
- (c) Planted garden beds along the western (park) elevation are to be replaced with landscaping at ground level on the parkside of the fencing, within the property boundary.
- (d) A uniform, integrated blind system is to be included for all windows on the western (park) elevation.
- (e) Sliding doors to balconies are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather.
- (f) The winter garden of apartment 105 and 206 are to include operable windows.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate for fit out works including installation of kitchens and bathrooms for Building 4A.

Building 4B

- (g) Further refinement to the parkside elevation is recommended in order to provide clarity to the elevation and improve the relationship of the building to the adjoining Precinct 2B building. Improvements should be made to the painted concrete frame elements located within the middle levels of the elevation. Vertical elements should be incorporated to break up the horizontal proportion of the building.
- (h) Sliding doors to balconies are to include a side, operable or louvered window to enable improved ventilation to apartments in inclement weather.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for fit out works including installation of kitchens and bathrooms for Building 4B.

(3) WINDOW OPENINGS IN SLOT FACADE

- (a) The proposed window openings located in the slots on the facades of Buildings 4A and 4B are to be designed to optimise natural cross ventilation in apartments and minimise privacy impacts on adjacent apartments. Amended drawings are to show the location, size and type of windows proposed.
- (b) The width of all proposed window openings in the slot facades in Buildings 4A and 4B must be a minimum width of 600mm.

- (c) Opaque glazing must be installed to proposed windows in the slot facades, except for highlight windows with a finished sill level at least 1.5m above the internal finished floor level.

(4) CONSTRUCTION CERTIFICATE FOR EARLY WORKS

- (a) Notwithstanding conditions of this consent, a Construction Certificate may be issued for the following preparatory works:
- (i) excavation, shoring and footings; and
 - (ii) installation of services.
- (b) The Construction Certificate may also allow for the construction of basement structures and Above Ground Structures but only if Condition (70) (Alignment Levels) of this consent has been satisfied for the alignment levels immediately adjacent to Precinct 4 buildings only and a letter and any supporting documentation has been issued by Council's Director City Planning, Development and Transport stating that Condition (69) is satisfied.
- (c) Any basement construction works carried out under (b) above must ensure that compliance with Condition (71) (Floor Levels for Buildings and Structures) of this consent will be complied with. Council will not allow the projection of basements or structures over 1.2m above the adjacent public domain, including the pocket parks.
- (d) In this condition, Above Ground Structures means the construction of slabs, columns, cores, vertical risers, walls, services and facades.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed the maximums as identified in the below table:

Building	RL (AHD) to the top of the building (incl plant)
Building 4A	RL 22.5
Building 4B	RL 36.00

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

(6) 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.

(7) MAXIMUM GROSS FLOOR AREA

The following applies to Gross Floor Area (GFA):

- (a) The GFA for the residential use must not exceed 15,449m² calculated in accordance with the Harold Park LEP.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Harold Park LEP, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority. A copy of the certification must be submitted to Council prior to occupation of the relevant building.

(8) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued for fitout works including installation of kitchens and bathrooms.

(9) MAXWELL ROAD FRONTAGE

- (a) The design of the Maxwell Road frontage and cliff face shall be coordinated with the Public Domain Plans and Landscaping of the Site Plans.
- (b) The boundary treatment should include soft landscaping and a high quality fence to provide safety and security in accordance with the City's DCP.
- (c) Details of the boundary treatment are to be submitted to the City's Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate for fit out works including installation of kitchens and bathrooms for Building 4A.

(10) 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's Urban Design and Heritage Manager prior to the issue of a Construction Certificate for fitout works including installation of kitchens and bathrooms. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance; and
 - (v) Details of drainage and watering systems.

- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for the relevant building.

(11) LANDSCAPED (GREEN) ROOFS AND WALLS

- (a) A detailed plan of the green roof for Building 4A and 4B and the green wall for Building 4A, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate for above ground works in the relevant building. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, any noise and privacy treatments
 - (ii) Location of proposed structures, services and hard landscaping on the rooftop, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant local species.
 - (iv) Details of substrate type and depth.
 - (v) Details of installation methodology e.g. safety considerations for working at height, transport of materials etc.
 - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions.
- (b) Prior to the issue of a Construction Certificate, a Maintenance Manual is to be submitted and approved by the Principal Certifying Authority. A copy of the Maintenance Manual is to be kept on site at all times during construction and following completion and shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements, including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification.

- (v) Copies of warranties and guarantees relating to all materials and plant used in construction.
- (vi) Decommissioning procedures.

The owner or, if different the occupier of the premises shall at all times comply with the ongoing maintenance requirements of the Maintenance Manual.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Evidence that the waterproofing and building structure have been assessed against the relevant performance provisions of the Building Code of Australia as required by Clause 1.0.5 of the Code.

(12) DESIGN QUALITY EXCELLENCE

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

(13) HERITAGE INTERPRETATION STRATEGY - PACEWAY PRECINCT

- (a) Details of the location, type, contents and materials of the heritage interpretation for Precinct 4 are to be submitted to the satisfaction of Council prior to the issue of a construction certificate for fit out works including installation of kitchens and bathrooms. These details are to be prepared with input from the applicant's heritage consultant in accordance with the recommendations of the Interpretation Strategy for the Former Harold Park Paceway site by Graham Brooks and Associates, dated March 2012.
- (b) This interpretation is to be installed to the satisfaction of Council prior to the issue of an occupation certificate for the relevant building.

(14) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly within the property boundary of Precinct 4.

(15) 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.

(16) ALLOCATION FOR VISITOR PARKING

A minimum of 6 visitor parking spaces are to be provided in the ground level parking area of Building 4A. A minimum of 6 visitor parking spaces are to be provided at basement level 1 of Building 4B.

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

(17) 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.

(18) BICYCLE PARKING

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

(19) CAR PARKING SPACES AND DIMENSIONS

A maximum of 46 off-street car parking spaces must be provided for Building 4A.

A maximum of 98 off-street car parking spaces must be provided for Building 4A.

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

(20) HOLDING AREAS

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

(21) INTERCOM FOR VISITORS

Where a boomgate or barrier control is in place the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier).

The intercom must comply with 'Australian Standard AS 1428.2- 1992: Design for access and mobility – Enhance and additional requirements – Building and facilities Sections 22 and 23.

(22) LOADING WITHIN SITE

All loading and unloading operations associated with servicing Building 4A must be carried out within the confines of the site, at all times, and must not obstruct other properties/units or the public way.

(23) 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.

(24) 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.

(25) LOCATION OF VISITOR PARKING

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

(26) 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.

(27) 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.

(28) SERVICE VEHICLES

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

(29) 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 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.

(30) 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.

(31) SIGNS AT EGRESS

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

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

(32) STACKED PARKING EMPLOYEES OR TENANTS ONLY

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

(33) VEHICLES AWAITING REPAIR

At all times vehicles awaiting repair, undergoing repair or awaiting collection after repair must stand entirely within the property.

(34) VEHICLES ACCESS

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

(35) ACCESSIBLE PARKING SPACE

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

(36) CAR SHARE SPACES

- (a) A minimum of 1 car parking space in Building 4A for the exclusive use of car share scheme vehicles is 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.

(37) PRECINCT PARKING PLAN

- (a) A precinct parking plan for Precinct 3 must be submitted to the City's Traffic Operations Unit for approval. The plan must include the location and information present on each stem and sign. The plan must include chainages to each sign and stem from the kerb line of the nearest intersection. The parking plan must be in line with the approved area wide parking plan with any changes identified with the submission.
- (b) The Precinct 4 signs must be approved and installed prior to the road being open for public use or prior to the issue of an occupation certificate, whichever is sooner. The plans will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement.

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

(38) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by Halcrow and dated March 2012, as amended shall be implemented, monitored and reviewed on an annual basis by the developer and the consultant nominated by the developer. The Green Travel Plan documentation associated with monitoring and reviews shall be collated and retained for future reviews and transport analysis purposes by the developer and the nominated consultant.
- (b) The Green Travel Plan is to be updated to identify the measures to be implemented as part of Precinct 4 and detail the integration between Precinct 4 and all future DAs. The updated Green Travel Plan is to be submitted for the approval of Council's Director City Planning, Development and Transport prior to the issue of a construction certificate for Precinct 4.
- (c) The measures and commitments in the Green Travel Plan shall be reflected in future construction certificates and provided to the Certifying Authority with the Green Travel Plan documentation prior to the release of Construction Certificates.

(39) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

- (a) In accordance with Condition 89 of the Stage 1 consent, prior to the issue of any construction certificate for Building 4A, a Construction Traffic Management Plan (CTMP) must be submitted and approved by Council's Traffic Operations Unit.
- (b) The CTMP submitted for Building 4B, prepared by Parking and Traffic Consultant (T2-1119), dated October 2014 is to be complied with during the construction of the relevant building. (Ref. No. T2-1119)(Ref. No. T2-1119).

(40) LOADING ZONE OPERATIONS

- (a) On-street loading zones are public parking spaces and as such cannot be managed by owner's corporations/strata managers/body corporate. No such arrangements are allowed to be put in place.
- (b) Roads and Maritime Services (RMS) leaflets providing information on the use of Loading Zones must be 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 residents of the building.
- (c) The leaflets must be in place prior to any Occupation Certificate being issued for the residential buildings and must be updated as required and maintained in good order at all times.

(41) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) All apartments within the development 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) 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.
- (c) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (d) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (e) 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.

(42) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

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

(43) RIGHT OF CARRIAGEWAY AND EASEMENTS

The following documentary easements are to be created pursuant to Sec 88B of the Conveyancing Act 1919:

- (a) A Right of Carriageway of variable width over the vehicular access driveway of Building 2A from Ross Street to the basement entry of Building 4B.

(44) COMMUNITY CONSULTATION

- (a) The Applicant must ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise during construction hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.

- (b) The Applicant must provide a contact telephone number to the Manager of the City Rangers and the Manager of Health and Building West Team or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.

(45) 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.

(46) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Part 4 of the Environmental Protection Authority (EPA) NSW Industrial Noise Policy.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
- (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.

(47) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

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

(48) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the acoustic report prepared by Renzo Tonin & Associates, dated 27 February 2014, must be implemented during construction and use of the premises.

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

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.

(49) PRESERVATION OF SURVEY MARKS

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

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

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

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

(50) 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.

(51) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(52) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's Sydney Streets Design Code and Sydney Streets Technical Specification. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(53) PROTECTION OF STONE KERBS

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

been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed 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 kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council 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 kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(54) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(55) 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".

(56) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for excavation being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The dilapidation report previously submitted to satisfy Condition 19 and 48 of D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively may be resubmitted to satisfy this condition, except where the new street frontages for MC01 have been completed and/or dedicated to Council, and should be updated accordingly.

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.

(57) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit 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.

In this regard, if the security bonds required in accordance with Conditions (17) and (45) of development consents D/2011/1299 (for remediation of the subject site) and D/2011/1298 (Stage 1 DA) respectively, have been submitted to Council, then Council may accept those security bonds in satisfaction of this condition. Additional securities may be required if Roads MC01 have been completed and dedicated to Council prior or during the works commencing.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

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.

(58) PUBLIC PARK DAMAGE BANK GUARANTEE

- (a) A Public Park Damage Bank Guarantee of \$18,400 calculated on the basis of a nominated area of 200 metres of park frontage, must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Park Damage Bank Guarantee must be submitted as an unconditional bank guarantee in

favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

- (b) In lieu of the bank guarantee required under (a), Council may accept an unconditional performance bond issued by an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (c) The guarantees (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (d) The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

(59) DILAPIDATION REPORT - JOHNSTON'S CREEK BRIDGE, APPROACHES AND ADJACENT STORMWATER CHANNEL

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of the bridge over Johnston's Creek, approaches and adjoining stormwater channel are to be prepared by an appropriately qualified structural engineer prior to commencement of excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property/asset owners, and a copy lodged with the accredited certifier/Certifying Authority and the Council prior to works commencing.

UPON COMPLETION OF CONSTRUCTION WORKS

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted no later than one month after the completion of excavation works (but not including the demolition of the administration building approved for use as a marketing suite). A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the property owners of the bridge over Johnston's Creek, approaches and adjoining stormwater channel, and a copy lodged with the accredited certifier/Principal Certifying Authority and the Council.

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.

(60) STRUCTURAL INTEGRITY OF BRIDGE OVER JOHNSTON'S CREEK

- (a) The developer shall engage a suitably qualified structural engineer to monitor the bridge, approaches and adjacent stormwater channel for its structural integrity throughout the period of construction works. At the conclusion of construction works, a report on the structural stability of the bridge, prepared by a suitably qualified structural consultant, is required to be submitted to Council. Where the structural engineer identifies structural insufficiencies, the developer shall be responsible for the upgrade of the bridge to ensure its stability. All costs are to be borne by the developer.
- (b) An unconditional bank guarantee in favour of Council in the amount of \$300,000.00 must be submitted as security for repairing any damage to the bridge and its immediate surrounds.
- (c) In lieu of the bank guarantee required under (b), Council may accept an unconditional performance bond issued by an APRA regulated authorised deposit taking institution or an Insurer authorised by APRA to Conduct New or Renewal Insurance Business in Australia and that is in accordance with Council's policy on performance bonds.
- (d) The guarantee (or bond if approved by Council) must be lodged with Council prior to works commencing on site.
- (e) The bond submitted to satisfy Condition (22) of the remediation DA (D/2011/1299) may be modified to also cover the financial security required by this condition.
- (f) The developer shall advise Sydney Water of the proposed access arrangements for their information in regards to any resultant damage to the adjacent stormwater channel and obtain any necessary approvals required from Sydney Water prior to works commencing.

(61) ESSENTIAL INFRASTRUCTURE

- (a) The extent of Essential Infrastructure for this Precinct is as defined by the staging plans in the previously approved Masterplan and includes at a minimum delivery of MC01 to the frontage of Building 4B and any traffic calming works beyond the boundary defined by this stage but required to satisfy traffic management conditions.
- (b) The Essential Infrastructure is defined by the Voluntary Planning Agreement (VPA) and includes the Stormwater Works (Surface Drainage, Stormwater Lines and Rain Gardens), Subsoil Drainage, Roads, Public Domain (Footways, Street Tree Planting, Landscaping, Street Furniture and Street Lighting), Road Closure Parks and Utility Services (Water, Gas, Sewer, Electricity and Telecommunications).
- (c) References throughout this consent to Essential Infrastructure refer to the works summarised in (b) above and further defined in the VPA.
- (d) The Essential Infrastructure must be designed and constructed in accordance with the City's technical specification and standard details for civil works current at the time of construction.

- (e) Public Domain Plans and Civil Documentation for Essential Infrastructure are to clearly indicate any temporary or sacrificial work (such as temporary vehicle turning areas, stormwater lines, or public footways) required due to the staging.
- (f) All Essential Infrastructure is to be completed prior to the issue of any Occupation Certificate of this Precinct as defined by the approved plans.

(62) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

- (a) All costs associated with the construction of any new or temporary Essential Infrastructure works including kerb and gutter, road pavement, drainage system, footway, tree planting, landscaping and utilities shall be borne by the developer.
- (b) The cost of any adjustment to previously installed utility services to accommodate detailed design amendments from this Precinct shall be borne by the developer.

(63) ESSENTIAL INFRASTRUCTURE – SECURITY

Security for Essential Infrastructure works is required to be lodged in accordance with the provisions of the Voluntary Planning Agreement.

(64) NOMINATED ENGINEERING WORKS SUPERVISOR

Prior to issue of the first construction certificate for Essential Infrastructure, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc., or
- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(65) ESSENTIAL INFRASTRUCTURE - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for the relevant essential infrastructure works, a set of hold points for approved essential infrastructure 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 essential infrastructure works is to be undertaken in accordance with the City's Public Domain Manual and current specification and standard details, including requirements for as-built documentation, certification and defects liability period.

(66) UTILITY SERVICES

- (a) Prior to the commencement of work on the site evidence is to be submitted to the accredited certifier/Principal Certifying Authority that the requirements of all public utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) with services within and adjacent to the site have been satisfied with regard to the design of any deviation, diversion, construction or removal of service infrastructure within the site.
- (b) Prior to the issue of the Site Audit Statement required under the remediation DA (D/2011/1299), evidence is to be submitted to the accredited certifier/Principal Certifying Authority and Council that the requirements of all public utility authorities providing services to the site have been satisfied with regard to the completed construction, installation or diversion, of service infrastructure within the site.

(67) WORK METHOD STATEMENT FOR FLOOD WATERS

Prior to commencement of excavation, an Excavation Work Method Statement prepared by a qualified person outlining how flood waters that run through the site be managed must be submitted to and approved by the Director City Planning, Development and Transport. This must identify all water courses and piped drainage that convey stormwater from upper catchment areas to Johnston's Creek.

(68) DRAINAGE SYSTEMS DESIGN

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

- (a) The drainage systems convey flood waters up to and including the 1 in 100 year Average Recurrence Interval (ARI) flows safely to Johnston's Creek. The design must comply with the safety standard recommended in the Australian Rainfall and Runoff, a guide to Flood Estimation by the Institution of Engineers and NSW Flood Development manual, 2005.
- (b) Minimum of 1 in 20 year ARI flows must be contained within below ground pipes and the remaining flows above the pipe capacity and up to and including the 1 in 100 year ARI flows as overland flows. If roads

are to be used to convey overland flows the safety requirements outlined in (a) above must be met.

- (c) Any special drainage structures or collection drainage pits within road reserves or in public open spaces to capture or divert overland flows must meet safety requirements in (a) above.

(69) STORMWATER AND DRAINAGE MANAGEMENT

- (a) The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.
- (b) Prior to any Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including where required a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development. Stormwater pipes and connections cannot encroach into the future open space.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) Any permanent or temporary 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. This information is available on Council's website - www.cityofsydney.nsw.gov.au.
- (e) 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 commencement of any work within the public way.
- (f) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD), if applicable, to ensure maintenance of the approved OSD system regardless of the method of connection.
- (g) 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.
- (h) All stormwater easements are to be maintained and accessible throughout the works.

- (i) Prior to a Construction Certificate being issued, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (j) Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council

(70) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. 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.

(71) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between any ground floor level of Building 4B and the adjacent public footpath shall not to exceed 1200mm. Detailed plans to this effect shall be submitted to Council in conjunction with the Alignment Levels prior to the issue of any Construction Certificate.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells.

A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. A copy of supporting reports and calculations shall be submitted to Council prior to the issue of a Construction Certificate.

(72) SUBSURFACE DRAINAGE

Subsurface drainage systems shall be provided for all road formations, cuttings, the base and sub base of pavement layers, retaining walls and the street closure park for this precinct. The design and construction of the subsurface drainage system shall be undertaken in accordance with City's current technical specification and standard details for civil works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of the relevant Construction Certificate for essential infrastructure works.

A design certification report for the subsurface drainage system shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Principal Certifying Authority for approval prior to the issue of the first Construction Certificate.

The plans shall include as a minimum the following information:

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

(73) ROAD WORKS

The design and construction of the road works required to service this Precinct, including temporary road works, shall be undertaken in accordance with City's Sydney Streets Technical Specification. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of the first Construction Certificate for the subdivision works. A design certification report for the road works shall be prepared by an appropriately qualified civil engineer and shall be submitted for approval of Council prior to the issue of the relevant Construction Certificate for the essential infrastructure works.

The detailed plans and supporting documentation shall include as a minimum the following information:

- (a) General subdivision plan with contour details and a clear indication of the extent of work;
- (b) Typical road cross sections showing road widths, pavement configuration, batter slopes, kerb and gutter types;
- (c) Plan and longitudinal section of the public road showing services;
- (d) Drainage plan and schedule of drainage elements;
- (e) Drainage profiles
- (f) Road cross sections and kerb returns;
- (g) Intersection layout details including linemarking, pavement marking and signposting;
- (h) Standard engineering and structural details plan;
- (i) Erosion and sedimentation control plans;
- (j) Utility services affecting the development;
- (k) Details of any temporary road works required due to the staged delivery of the development such as turning areas; and
- (l) Specifications for the construction of all components of the roadworks in accordance with City's current technical specification and standard details for civil works.

(74) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical

Specification and Public Domain Manual and must include the following:

- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282; and
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(75) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).
- (b) The Public Domain Plan must 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 requirements for 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. 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.

- (c) 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.
- (d) A Public Domain Works Deposit will be required for the public domain works to existing Maxwell Road street frontage, 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.
- (e) 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 Construction Certificate being issued.
- (f) 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.

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

Prior to the issue of a 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 Cause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings) must be submitted to the satisfaction of the Certifying Authority (Council or a private accredited certifier). A copy of the certificate must be submitted to Council if Council is not the CA.

(77) CERTIFICATION OF GEOTECHNICAL INSPECTION

Prior to the issue of a 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) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) including:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;

- (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;
 - (xii) Damp and weatherproofing - Part F1;
 - (xiii) Sanitary and other facilities - Part F2;
 - (xiv) Room sizes - Part F3;
 - (xv) Light and ventilation - Part F4;
 - (xvi) Sound transmission and insulation - Part F5;
 - (xvii) 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 systems - 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 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.

(79) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application.

(80) 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.

(81) 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.

(82) MECHANICAL VENTILATION

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

(83) 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.

(84) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (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.

(85) 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 WorkCover Authority pursuant to the provisions of the following:

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

(86) CONTAMINATION

- (a) The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)'.
- (b) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

(87) REMEDIATION

- (a) The site is to be remediated and validated in accordance with Remediation Action Plan prepared by JBS reference JBS 41539-16672 dated July 2011.and the additional measures as outlined by the EPA Site Auditor, Graeme Nyland, Environ Australia Pty Ltd, in the letter of interim advice reference AS121307 dated 6 September 2011.
- (b) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.
- (c) Any variations to the proposed remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(88) COMPLIANCE WITH ACID SUFATE SOILS MANAGEMENT PLAN

- (a) All recommendations contained in the Acid Sulfate Soils Management Plan prepared by JBS Environmental dated July 2011 must be implemented during excavation, demolition and construction and associated works.
- (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 2.
- (c) Prior to the issue of an Occupation Certificate a statement from a suitably qualified and experienced geotechnical consultant must be submitted and approved by the consent authority. The statement must certify that the works identified in the ASSMP have been suitably incorporated into the development and that all works carried out onsite are in accordance with the requirements of Clause (a) of this condition.

(89) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

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

- (b) Installation requirements
- (i) All plumbing work is to be carried out by a licenced plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
 - (ii) Rainwater tanks shall be designed to include, but not be limited to the following:-
 - (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
 - (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
 - (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
 - (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
 - (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
 - (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
 - (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
 - (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

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

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

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

(c) Proximity to other services

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

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS 1345 can be used.

- (ii) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.

- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 “Use of rainwater tanks where a reticulated potable supply is available” and any other local water utility requirements.

- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer’s instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(90) GARBAGE ROOM

The garbage room is to be constructed in accordance with City of Sydney’s policy for Waste Minimisation in New Developments and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed

basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

(91) WASTE AND RECYCLING MANAGEMENT - MINOR

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

(92) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

(93) 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.

(94) 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.

(95) 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 (temporary structures) in a public place.

- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's Policy for the Design of Construction Hoardings and the conditions of any consent granted including:
- (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, Roads Act 1993);
 - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
 - (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
 - (iv) hoarding site fences complying with Clause 3.3 - Element 3;
 - (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
 - (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(96) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED

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

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(97) OCCUPATION CERTIFICATE TO BE SUBMITTED – BUILDING 4A

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.

(98) OCCUPATION CERTIFICATE TO BE SUBMITTED – BUILDING 4B

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.

(99) ACOUSTIC ASSESSMENT PRIOR TO OCCUPATION CERTIFICATE

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

(100) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(101) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:
 - (i) 8:00am -12:00pm and 1:00 pm – 4:30pm Mondays to Friday
 - (ii) 9am – 1pm on Saturdays
 - (iii) No work is permitted on Sundays or Public Holidays
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(102) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

(103) DUST MANAGEMENT

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

(104) 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.

(105) 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.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(106) 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.

(107) 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.

(108) 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.

(109) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) 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.

Carried unanimously.

Note. Item 6 was dealt with at an earlier stage of the meeting (see page 383).

ITEM 7 DEVELOPMENT APPLICATION: 331-337 KENT STREET SYDNEY (D/2013/1851)

Note - A memo dated 29 October 2014 from the Director City Planning, Development and Transport, Relevant to Item 7 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

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

It is resolved that consent be granted to Development Application No. D/2013/1851, subject to the following conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1851 dated 29 November 2013 and the following drawings:

Drawing Number	Architect	Date
DA-FP-01 Rev 01	Cox Richardson	8 September 2014
DA-FP-02 Rev 01	Cox Richardson	8 September 2014
DA-FP-03 Rev 01	Cox Richardson	8 September 2014
DA-FP-04 Rev 01	Cox Richardson	8 September 2014
DA-FP-05 Rev 01	Cox Richardson	8 September 2014
DA-FP-06 Rev 01	Cox Richardson	8 September 2014
DA-FP-07 Rev 01	Cox Richardson	8 September 2014
DA-EL-01 Rev 01	Cox Richardson	8 September 2014
DA-EL-02 Rev 01	Cox Richardson	8 September 2014
DA-SEC-01 Rev 01	Cox Richardson	8 September 2014
DA-SEC-02 Rev 01	Cox Richardson	8 September 2014
DA-SEC-03 Rev 01	Cox Richardson	8 September 2014
DA-FP-08 Rev 01	Cox Richardson	8 September 2014

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) APPROVED USES

In principle approval is given for hotel use up to a height of approximately RL68 with in principle approval for residential flats above this height.

(3) BUILDING HEIGHT

The maximum height of the building as defined in the Sydney Local Environmental Plan 2012 must not exceed 80 metres.

(4) MATTERS NOT APPROVED

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

- (a) Any demolition, construction, or excavation;
- (b) The precise quantum of floorspace; and
- (c) The layout, mix and number of hotel rooms, residential units and car parking spaces.

(5) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

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

(6) STAGE 2 DA/COMPETITIVE DESIGN PROCESS

- (a) The detailed design of the whole development shall be the subject of a Stage 2 development application.
- (b) The detailed design of the whole development shall be the subject of a competitive design process in accordance with the provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012, Part 3.3 of the Sydney Development Control Plan 2012 and the City of Sydney Competitive Design Policy.
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The Stage 2 proposal should be generally consistent with the Stage 1 approval.

(7) 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, 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.

(8) EXPOSED ELEVATIONS

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

(9) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The Stage 2 development should strive to achieve the highest possible ESD targets. The Stage 2 DA shall be the subject of a sustainability report that demonstrates compliance with the above.

(10) BASIX

Any Stage 2 approval is to include the submission of a BASIX certificate.

(11) WIND

The Stage 2 proposal shall be subject to physical wind tunnel testing in its context to ascertain the impacts of the development on the ground level wind environment and the wind conditions on building balconies. Any future development must satisfy the provisions relating to ground floor wind speeds in the Sydney Development Control Plan 2012 in this regard.

(12) SUBSTATIONS

The location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 Development Application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape and must also be included as part of the brief for the competitive design process.

(13) 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.

(14) ACID SULFATE SOILS MANAGEMENT PLAN

The Stage 2 application must include an Acid Sulfate Soils Management Plan.

(15) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street in the Stage 2 design 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.

(16) CAR PARKING SPACES AND DIMENSIONS

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities in the Stage 2 application 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.

(17) SUBDIVISION

This approval does not include any subdivision. Any proposal to subdivide the site at a later date will need to be the subject of a separate future application that will be considered on its own merits.

(18) 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.

(19) 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.

(20) SERVICE VEHICLES

Adequate space must be provided in the Stage 2 application to allow manoeuvring and turning of different sized vehicles within the designated loading area. 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.

(21) VEHICLES ACCESS

The design of the Stage 2 development must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

(22) SERVICE VEHICLE SIZE LIMIT

The Stage 2 application must include swept paths for the largest vehicles to access the proposed loading areas. These will be used to determine a condition for the largest vehicle permitted to service the site.

(23) ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities within the Stage 2 development 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.

(24) FLOOR TO CEILING HEIGHT

The Stage 2 application must accommodate a floor to ceiling height of at least 3.6m for the first basement level and the ground floor areas.

(25) PRINCIPAL WINDOWS

The Stage 2 application must not include principle windows for either residential apartments or tourist and visitor accommodation within 6m of either the northern or southern boundary.

(26) RESIDENTIAL AMENITY

Any residential apartments within the Stage 2 application are to comply with the relevant provisions of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development, the Residential Flat Design Code and Section 4.2 of the Sydney Development Control Plan 2012.

(27) HOTEL ACCOMODATION

Any hotel accommodation within the Stage 2 application is to comply with the relevant provisions of Section 4.4.8 of the Sydney Development Control Plan 2012.

No hotel accommodation layout is approved as part of this application. Any serviced apartments proposed for the site are to have the level of residential amenity as residential apartments.

(28) STAGE TWO DESIGN

To enhance the setting and appreciation of the heritage facade and the adjacent Special Character Area, the competitive design process and Stage 2 DA should have regard to the following matters:

A: TOWER:

- (a) The design of the proposed building is to provide a high degree of architectural modelling and articulation. The northern and southern facades of the proposed building are to be modelled so as to appear of slender proportions and to provide visual interest.
- (b) Part of the section of the tower envelope where it extends to the southern boundary up to RL 57.595 should be recessed so that the tower respects the symmetry of the historic facade.
- (c) The tower design should respect the symmetry of the heritage façade and its tripartite division. The tower structural supports should respect the structural grid of the existing heritage facade.
- (d) Balconies should be recessed within the line of the facade.
- (e) High quality materials that provide a compatible response to surrounding development should be incorporated into the design.

B: PODIUM:

- (f) The proposed floor levels of the podium building are to match the original floor levels, so as to retain the functional relationship of the interiors with the window openings. No ground floor mezzanine level should be constructed within eight metres of the front facade.
- (g) The majority of the existing colonnade space is to be retrieved as interior space, activated through the original facade openings. The majority of original ground floor openings in the facade are to be fitted with contemporary door and window assemblies enclosing the colonnade, using an interpretive language based on evidence of the original door and windows including the drawings and photographs of the original building within the City of Sydney Archives, files D/1983/0255 and D/1983/0918. The assemblies should reinforce the original pattern of entrances and windows and should be fitted to the inner edge of the facade, in a traditional manner.
- (h) Exceptions to such enclosure may include the vehicular entrance. Fire exits and building services installations such as hydrant booster valves are to be set back in shallow recesses rather than the full depth of the existing colonnade and finished in high quality materials.
- (i) Any subdivision of the existing colonnade space should coincide with the east/west structural grid of the façade's engaged piers, reflecting the original interior compartments.

- (j) The existing vehicular access opening should not be enlarged. Further, no new openings in the facade, or alterations to original openings of the façade, should be permitted.
- (k) Glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour.
- (l) Glazing is not to be removed from existing window openings of the facade to facilitate balconies behind.
- (m) No awnings are to be applied to the facade.
- (n) An outline schedule of facade conservation works to be submitted as part of any stage 2 DA. Further historic research should be undertaken to inform conservation works. The estimated cost of conservation works is to be included in the Cost Plan submitted as part of Stage 2 DA.
- (o) The external colour scheme is to be submitted as part of the Stage 2 DA. The colour scheme and the paint systems are to be sympathetic to the architectural style and period of the building. The textured paint is to be removed from the ground floor façade as a minimum, and from any elements that were original sandstone.
- (p) External lighting and signage is to be sympathetic to the architectural style and period of the building

(29) ARCHAEOLOGICAL ASSESSMENTS - NON STANDARD

Both a Non-indigenous Archaeological Assessment and an Aboriginal Cultural Heritage Assessment should be prepared in accordance with the NSW Office of Environment and Heritage guidelines, and must be submitted as part of the Stage 2 DA.

The reports must assess whether the proposed works have the potential to disturb any archaeological remains of significance and the need for any archaeological investigation prior to commencement of any works on site. The reports should also recommend any spatial requirements for display of artefacts, and measures and documentation to be undertaken during the process of demolition and excavation work.

(30) OUTLINE HERITAGE INTERPRETATION STRATEGY - NON STANDARD

An outline interpretation strategy for the site must be submitted as part of the Stage 2 DA. The outline strategy must detail information on the history and significance of the site based on further research, and outline how this information may be provided for the public, including the spatial requirements for display.

(31) HERITAGE FACADE - GEOTECHNICAL AND STRUCTURAL ENGINEERING ASSESSMENT REPORTS

The Stage 2 DA is to be accompanied by geotechnical engineering and structural engineering reports verifying the adequacy of the setback of proposed excavation from the base of the retained historic façade and

outlining any mitigation measures necessary for its stability (including during construction) to achieve compliance with the NCC and Australian Standards.

(32) PUBLIC ART

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

SCHEDULE 2

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

Carried unanimously

ITEM 8 DEVELOPMENT APPLICATION: 511-515 BOTANY ROAD ZETLAND (D/2013/1947)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Greg Dasey, Mr Brett Lockhart, Mr Angelo Candalepas and Mr Stuart McDonald.

Moved by Councillor Mant, seconded by Mr Poulet -

It is resolved that consent be granted to Development Application No. D2013/1947, subject to the following conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1947 dated 13 December 2013 and the following drawings:

Drawing Number	Architect	Date
DA-1053 Staging Plans	Candalepas Associates	22.11.13
DA-1101 Basement 2 Plan – Issue B	Candalepas Associates	01.07.14
DA-1102 Basement 1 Plan – Issue B	Candalepas Associates	01.07.14

Drawing Number	Architect	Date
DA-1103 Ground Floor Plan - Issue C	Candalepas Associates	29.09.14
DA-1104 Level 1 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1105 Level 2 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1106 Level 3 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1107 Level 4 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1108 Level 5 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1109 Level 6 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1110 Level 7 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1111 Level 8 Floor Plan – Issue C	Candalepas Associates	29.09.14
DA-1112 Roof Plan – Issue C	Candalepas Associates	29.09.14
DA-1150 Planter Details – Issue C	Candalepas Associates	29.09.14
DA-1201 Section A – Issue C	Candalepas Associates	29.09.14
DA-1202 Sections B-B and C-C - Issue C	Candalepas Associates	29.09.14
DA-1301 Elevations – Issue C	Candalepas Associates	29.09.14
DA-1302 Elevations – Issue C	Candalepas Associates	29.09.14
DA-1303 Elevations – Issue C	Candalepas Associates	29.09.14

Drawing Number	Architect	Date
DA-1304 Elevations – Issue C	Candalepas Associates	29.09.14

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 works may be carried out in stages, with the relevant conditions being satisfied prior to issue of a Construction Certificate/Occupation Certificate where specified in the conditions of consent, for each stage as detailed below:

Stage	Description
Stage 1	Demolition of existing buildings and structures, including ground slab.
Stage 2	Construction of Building B and construction of Sonny Leonard Street.
Stage 3	Construction of Building A and construction of Hinchcliffe Street (half road).
Stage 4	Construction of Building C and construction of pedestrian through-site link.

- (b) In addition to the above stages, some conditions may be required to be satisfied prior to the issue of ANY Construction Certificate or Occupation Certificate.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Landscaping and fencing details are to be submitted. The plans must minimise the height of solid walls that address the public domain;
- (b) Planter boxes are to be minimum width of 2 metres;
- (c) Details of bedroom windows fronting onto the through site link and apartments G07 and G08 are to be submitted. Information must confirm the windows are both operable and provide suitable security for occupants (via locks or transparent screens etc);
- (d) Detailed design of the operable screens to apartments 1.01, 2.01 etc in Building A are to be submitted;

- (e) Provide confirmation that the pedestrian crossing on Sonny Leonard Street will meet pedestrian warrants;
- (f) Provision of a hammerhead turning arrangement at the eastern end of Sonny Leonard Street until the construction of Paul Street is completed;
- (g) Reduce the width of the 10m wide vehicular crossing on the southern side of Sonny Leonard Street to improve pedestrian amenity;
- (h) Provision of at least 50% of the proposed bicycle storage and parking on Basement Level 1 instead of Basement Level 2. Class 2 bike storage facilities will be acceptable to reduce the need for all bicycle storage to be lockers; and
- (i) Provision of end of trip facilities for the retail/commercial tenancy. One shower and cubicle is required. The proposed shower and change area should be located below Building C.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for Stage 2.

(4) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued for Stages 2, 3 and 4.

(5) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement entered into by Hatbands Pty Ltd or its successors.

The terms of the planning agreement are to be complied with.

(6) BUILDING HEIGHT

- (a) The height of the buildings must not exceed the following:
 - (i) Building A - RL 48.67 (AHD) to the top of the building and RL 46.545 (AHD) to the parapet of the building;
 - (ii) Building B - RL 39.24 (AHD) to the top of the building and RL 37.72 (AHD) to the ceiling of the fifth floor; and
 - (iii) Building C - RL 46.17 (AHD) to the top of the building and RL 43.90 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the heights of the buildings accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 0.034:1; for the residential use must not exceed 2.33:1 calculated in accordance with Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 335sqm, for the residential component is 23,191sqm, and the total Gross Floor Area is 23,526sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(8) DESIGN QUALITY EXCELLENCE

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

(9) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(10) LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal for land subdivision will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the Environmental Planning and Assessment Act 1979.

(11) USE OF COMMERCIAL TENANCY - SEPARATE DA REQUIRED

A separate development application for the fitout and use of commercial/retail tenancy must be submitted to and approved by Council prior to that fitout or use commencing, except where the fitout and use is exempt or complying development under an environmental planning instrument or development control plan.

(12) SIGNS - SEPARATE DA REQUIRED

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

(13) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development shall be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior the issue of a Construction Certificate for Stage 2.

(14) CONSTRUCTION LIASION COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.

- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(15) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.
- (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 (Green Square town Centre – Stage 2) 2013. 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) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) 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.

(16) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building 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.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in

the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

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

In accordance with Clause 6.5 of Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013, and prior to a Construction Certificate being issued, the Applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$3,500,054.95 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 335sqm, and for residential development at \$150.20 per square metre of total residential floor area 23,191sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [1 March 2014 to 28 February 2015], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

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

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

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

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

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [1 March 2014 to 28 February 2015].

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

(18) DESIGN OF WASTE FACILITIES

- (a) Clearance height for access by collection vehicles must be no less than 3.8m at any one point.
- (b) The maximum travel distance between the waste storage point and collection point for all waste and recycling receptacles shall be no more than 10 metres.
- (c) Unimpeded access shall be provided for waste collection vehicles between 6.00am and 6.00pm on collection days.

(19) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for Stage 2 (i.e. any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work), alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's

Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for Stage 2 (i.e. any civil, drainage and public domain work) as applicable under this consent. 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.

(20) 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".

(21) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued for Stage 1, 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 building facade adjoining the footpath, 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(22) PRESERVATION OF SURVEY MARKS

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

Prior to the issue of a Construction Certificate for Stage 1, 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).

(23) 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.

(24) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for Stage 2 or any Construction Certificate involving public domain work or above ground building work, whichever is later. The Public Domain Plan must

be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the Green Square Town Centre Public Domain Strategy, including requirements for 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. 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.
- (c) 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.
- (d) 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.
- (e) 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 Construction Certificate for Stage 2 being issued.
- (f) 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.

(25) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation,

certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

(26) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for Stage 2 (i.e. any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work), 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) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, 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.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for Stage 2 (i.e. any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work), a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and

- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(27) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to works commencing or a Construction Certificate being issued, whichever is earlier.

(28) 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.

(29) ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

(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 units and car spaces must be assigned to the unit in any future strata subdivision of the building.

(31) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for each stage of buildings.

Car Parking Type	Number
Residential spaces	221
Visitor spaces	21
Retail parking	7
Motorcycle parking	6 car parking spaces, allowing for 24 motorcycle spaces
Total	255

The development shall otherwise provide a minimum 4 car share spaces and a maximum 4 service vehicle spaces within the basement car park.

(32) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(33) BICYCLE PARKING AND END OF TRIP FACILITIES

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to a Construction Certificate for Stage 2 being issued.

(34) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and 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 chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(35) 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.

(36) INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

(37) ON SITE LOADING AREAS AND OPERATION

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.

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

(38) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

(39) 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 of the building.

(40) 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.

(41) SIGNS AT EGRESS

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

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

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

(42) PHYSICAL MODELS

- (a) Prior to a Construction Certificate being issued for Stage 2, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to a final Occupation Certificate being issued, an accurate 1:500 scale mode of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Note:

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

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

- (a) Prior to a Construction Certificate being issued for Stages 2, 3 and 4, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements>. Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (d) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

(44) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued for Stage 2 or the commencement of the use, whichever is earlier.

(45) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

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

(46) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate for Stage 2 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.

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.

(47) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

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

Prior to the issue of a Construction Certificate for Stages 2, 3 and 4, 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).

(49) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Remediation Action Plan prepared by Environmental Investigations, Report No. E1300.1 AG, 3rd February 2014 and Interim Advice No 1 reference 14003 L01 prepared by Environmental Strategies Mr Tim Chambers NSW EPA Accredited Site Auditor (1004), 4th February 2014.
- (b) Any variations to the proposed Remediation Action Plan shall be approved in writing by a NSW EPA Accredited Site Auditor and Council prior to the commencement of such work.
- (c) Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the 'Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management

of Non- Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(50) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council's Health and Building Unit clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

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

(51) HAZARDOUS AND INDUSTRIAL WASTE

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

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

(52) 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.

(53) CONTAMINATED WASTE

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

(54) ASBESTOS REMOVAL WORKS

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

The site notice board must include the following:

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

(55) WATER POLLUTION

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

(56) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of Stage 2, 3 and 4 construction works.

(57) 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.

(58) DUST MANAGEMENT

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

(59) 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.

(60) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site-specific noise management plan shall be submitted to the Council's Health and Building department for comment and written approval prior to any Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise

levels are likely to be in exceedances 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 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite.

Such periods should, where possible, be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

(62) NOISE USE - GENERAL

- (a) The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:
- (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq, 15minute noise level shall be adjusted for odifying factors in accordance with Appendix 2 of the Noise Guide for Local Government published by DECCW.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australia Standard AS 1055.1-1997-Description and measurement of environmental noise.
 - (iv) The use of the premises shall be controlled so that any emitted noise is at level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997.

Internal residential amenity

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

Commercial premises

- (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) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- (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, 15-minute noise level measured in the absence of all noise from the site.

(63) USE OF INTRUSIVE APPLIANCES – TIME RESTRICTION

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

(64) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the Acoustic Report prepared by Acoustic Logic, project number 20130959.1, document reference 20130959.1/0711A/R2/TA revision 2, 7 November 2013 must be implemented during construction and use of the premises.

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

(65) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

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

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

(66) 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.

(67) NOISE CONTROL VERIFICATION

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

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

(68) DEWATERING

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

- (b) All conditions within the NOW licence will form part of this consent.

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

(69) MECHANICAL VENTILATION

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

(70) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Construction Certificate for Stages 2, 3 and 4 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:
- (d) 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.

- (e) 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.

(71) GARBAGE ROOM

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

(72) WASTE AND RECYCLING MANAGEMENT - MINOR

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

(73) RE-USE OF ROOF RAINWATER

- (a) Use

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

- (b) Installation requirements

- (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

- (ii) Rainwater tanks shall be designed to include, but not be limited to the following:

- a. Shall be fitted with a first flush device.
- b. Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- c. All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non-corrodible materials.

- d. Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
- e. Shall have all taps and outlets marked “non-potable - not for drinking” on a permanent sign and all pipes are to be coloured ‘green’ in accordance with AS 1345 / AS 2700.
- f. A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
- g. Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
- h. Water pumps are to be located so as not causing an “offensive noise” as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

(c) Proximity to other services

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

(d) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS 1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively, a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(e) Maintenance

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

(74) CAR PARK VENTILATION

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

(75) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

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

(76) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the existing buildings and structures 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 Division of the Department of Environment and Heritage 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.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.

- (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 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.

A digital based recording is to include:

- (f) 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.

A film based recording is to include:

- (g) 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.

(77) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) 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.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupation Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

(78) ARCHAEOLOGICAL ASSESSMENT RECOMMENDATIONS

The recommendations contained within the Archaeological Assessment prepared by Artefact Heritage dated December 2013 are to be implemented prior to and during the construction process.

(79) TREE MANAGEMENT – INFORMATION REQUIRED

- (a) The applicant must obtain permission from the owners of 105-115 Portman Street to remove the three trees (numbered 18, 19 and 20 in the Arboricultural Impact Assessment prepared by UTM dated 11 November 2013) located directly adjacent to the northern boundary of the site. Written consent must be provided to the City and referred to the Tree Management Unit prior to the issuing of the Construction Certificate for Stage 2.

- (b) Alternatively, if the applicant does not obtain approval from the tree owner, then the design must be amended so that excavations for the basement carpark and associated steps and northern boundary wall of the new building is located outside of the nominated Tree Protection Zones. A maximum of 10% encroachment into the TPZ will be accepted. This will prevent substantial damage from being causing to the trees and prevent the trees from being destabilised during demolition and construction works.

The amended design must be submitted to and approved by Council prior to the issuing of the Construction Certificate for Stage 2.

(80) TREES APPROVED FOR REMOVAL

The trees detailed in Table 1 below are approved for removal.

Table 1 – Trees to be removed during the development works

Tree No:	Botanical Name / Common Name	Location
1	Eucalyptus microcorys (Tallow Wood)	Western boundary
2	Liquidambar styraciflua (Liquidambar)	Western boundary
3	Callistemon citrinus (Bottlebrush)	Western boundary
17	Robinia pseudoacacia 'Frisia' (Golden Robinia)	SE corner of existing building

Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Tree Management dated 11 November 2013 for tree numbering and locations.

(81) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements:

Table 2 – Tree Retention

Tree No:	Botanical / Common Name	Location
4	Corymbia citriodora (Lemon Scented Gum)	Southern Boundary
5	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Southern Boundary
6 – 11	Corymbia citriodora (Lemon Scented Gum)	Southern Boundary
12	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Southern Boundary
13	Eucalyptus leucoxylon 'Rosea' (Yellow Gum)	Southern Boundary
15	Acmena smithii (Lilly Pilly)	Southern Boundary
16	Corymbia citriodora (Lemon Scented Gum)	Southern Boundary
18 & 19	Eucalyptus robust (Swamp Mahogany)	105-115 Portman St (adj Northern Boundary)
20	Eucalypts scoparia (Wallangarra White Gum)	

Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Tree Management dated 11 November 2013 for tree numbering and locations.

(82) TREE PROTECTION ZONES

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

Table 3 - TPZ Schedule

Tree No	Species Name	Location	Radius (m) from Trunk
4	Corymbia citriodora	Southern Boundary	6.0
5	Robinia pseudoacacia 'Frisia'	Southern Boundary	2.0
6	Corymbia citriodora	Southern Boundary	3.8
7	Corymbia citriodora	Southern Boundary	4.8
8	Corymbia citriodora	Southern Boundary	5.6
9	Corymbia citriodora	Southern Boundary	4.2
10	Corymbia citriodora	Southern Boundary	5.2
11	Corymbia citriodora	Southern Boundary	4.8
12	Robinia pseudoacacia 'Frisia'	Southern Boundary	2.0
13	Eucalyptus leucoxylon 'Rosea'	Southern Boundary	3.7
15	Acmena smithii	Southern Boundary	4.2
16	Corymbia citriodora	Southern Boundary	2.0
18	Eucalyptus robust	105-115 Portman St (adj Northern Boundary)	3.6
19	Eucalyptus robust	105-115 Portman St (adj Northern Boundary)	3.1
20	Eucalypts scoparia	105-115 Portman St (adj Northern Boundary)	4.8

- (b) Each TPZ must be:
- (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be damaged during the establishment or maintenance of the fencing.
 - (ii) Kept free of weed and grass for the duration of works.
 - (iii) Mulch installed / maintained to a depth of 75mm for the duration of works.
 - (iv) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site.
- (c) The ground surface protection within the TPZ must be:

- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of 75mm and geotextile fabric.
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works shall be excluded from within any TPZ:
- (i) Soil cut or fill including excavation and trenching (except for the localised siting of piers)
 - (ii) Soil cultivation, disturbance or compaction
 - (iii) Stockpiling storage or mixing of materials
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery
 - (v) The disposal of liquids and refuelling
 - (vi) The disposal of building materials
 - (vii) The siting of offices or sheds
 - (viii) Any action leading to the impact on tree health or structure
- (e) All work undertaken within or above the TPZs must be:
- (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework; and
 - (ii) Carried out in accordance with the work methodology statement prepared by the Consultant Arborist and approved by Council's Tree Management Officer before its implementation (including, without limitation, handling and pedestrian/ machinery access).

(83) TREE ROOT PROTECTION

- (a) Excavations for the footings for the decking and dividing wall along the southern boundary must be undertaken using non-destructive methods (such as an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (b) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (c) Excavations for any pier and beam footings located within the Tree Protection Zone (TPZ), must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (d) The consent from Council must be obtained prior to the undertaking of any root pruning greater than 40mm in diameter.

- (e) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3

(84) SERVICES

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

(85) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone in accordance with Australian Standard 4970 Protection of Trees on Development Sites. The Arborist must certify compliance with each key milestone detailed below:
 - (i) The Arborist must certify the installation of the tree protection measures to Council and the Principal Certifying Authority prior to the issuing of a construction certificate.
 - (ii) During excavation and construction of the piers / footings for the new decking and dividing walls located along the southern boundary.
 - (iii) During any excavation and trenching within the Tree Protection Zone of any tree listed for retention.
 - (iv) During any Landscape works within 5 metres of the trunk of any tree listed for retention.
- (b) A monthly statement shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone.
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s.
 - (iii) Documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(86) TREE PRUNING ON PRIVATE PROPERTY

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

(87) LANDSCAPING OF THE SITE

- (a) The landscape Plan prepared by 'Sturt Noble Associates' dated 22 November 2013 is not approved.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Area Planning Manager prior to a Construction Certificate being issued for Stage 2. The landscape plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Detailed designs, including construction methodology for the decking and dividing walls along the southern boundary. Details must also address how the barriers required around retained trees can be incorporated into the design of the deck through means such as integrated timber seating. The proposed metal palisade pool fencing is not an acceptable solution;
 - (iii) The tree species on Hinchcliffe Street shall be amended to *Celtis australis* (Southern Hackberry) which is consistent with the requirements of the Green Square Town Centre & Essential Infrastructure approved Development Application;
 - (iv) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (v) Location, numbers and type of plant species;
 - (vi) Details of planting procedure and maintenance; and
 - (vii) Details of drainage and watering systems.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued for each relevant stage.
- (d) Prior to a Construction Certificate being issued for Stage 2, a maintenance plan is to be submitted for approval of the Principal Certifying Authority and complied with during occupation of the property.

(88) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(89) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's Sydney Streets Design Code and Sydney Streets Technical Specification. Details of drainage and service pit

Plans shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(90) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells, lift wells and pedestrian entry / exit points.

A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 2.

(91) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE

Prior to issue of a Road Opening Permit for works in the public domain, the developer shall give Council written notification of the appointment of either:

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER 3) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc, or
- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

On completion of the works the nominated engineering works supervisor shall certify that the works have been constructed in accordance with the approved plans, specifications and conditions of approval, and that the "Works as Executed" plans are a true and correct record of what has been built. The works supervisor shall be independent of the Principal Certifying Authority.

(92) PROTECTION OF STONE KERBS

- (a) Existing stone kerbs are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed 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 kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council 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 kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(93) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete/asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit 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 an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

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) PUBLIC DOMAIN LIGHTING

- (a) The applicant shall provide a system of underground street and pedestrian lighting along all roads, footpaths, and street closures in accordance with Ausgrid and Council standards. Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:
- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) If lighting is to be fixed to adjoining buildings the above details plus details of the fixture and timing for delivery are to be included in the submission.
- (c) Temporary lighting to facilitate Staging or until adjoining developments are constructed and permanent lighting installed are to form part of the submission.
- (d) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(95) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design and construction of all road works shall be undertaken in accordance with City of Sydney's Green Square Town Centre Public Domain Strategy. Detailed plans, construction details and specifications for the works shall be prepared and submitted to Council for approval prior to issue of a Construction Certificate, excluding for approved preparatory or demolition work, or before issue of an approval under Section 138 of the Roads Act 1993 for the road and drainage, infrastructure work. The detailed plans and supporting documentation shall include as a minimum the following information:
- (i) General subdivision plan with contour details, clearly indicating the extent of work;
 - (ii) Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site;
 - (iii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps, the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
 - (iv) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
 - (v) Road design and drainage plans showing the following:
 - a. road pavement structure and design;
 - b. kerb, gutter and building alignment;
 - c. traffic management structures / measures;
 - d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;

- f. on-road bicycle route infrastructure and facilities;
- g. details of design and specifications for footpaths, retaining walls, pedestrian and associated verge works,
- h. details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required;
- i. geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council's public stormwater system.
- j. drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
 - ii. Details of the provision of stormwater stub connections for each Stage;
 - iii. Details and specifications for the construction of all components of the system in accordance with the City of Sydney's Sydney Streets Technical Specification;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. The location of and adjustments/upgrades to utility services as required;
 - vii. Adjustments/upgrades to utility services as required;
 - viii. Standard engineering and structural details plan;
 - ix. Erosion and sedimentation control plans;

- x. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The documentation is to be fully coordinated with the Public Domain plans for the development.
- (d) The road and drainage works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(96) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(97) ESSENTIAL INFRASTRUCTURE AND SERVICES

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

Essential Infrastructure and Services must be designed and constructed in accordance with the Green Square Town Centre Public Domain Strategy, City's Sydney Streets Technical Specification and the relevant Authorities requirements. The design of the Essential Infrastructure is also to take into account any further refinement of the Essential Infrastructure DA (D/2012/1175/D) documentation undertaken by the City and as issued in approved Construction Certificates.

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

All Essential Infrastructure and Services for each Stage are to be completed to the Council's satisfaction prior to the use commencing and the issue of any Occupation Certificate for the relevant stage.

(98) RAIN GARDENS AND LANDSCAPED VERGE

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

- (a) Crossings and driveway entrances
- (b) Sight lines
- (c) Street lights and other services
- (d) Maximum rainfall harvesting and overall stormwater management
- (e) Street tree locations
- (f) Good design practise

The design and construction of the rain gardens and landscaped verge is be undertaken in accordance with the City's Green Square Town Centre Public Domain Strategy, Sydney Streets Technical Specification and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for approval. The submission shall include as a minimum the following information:

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

(99) ASSOCIATED ESSENTIAL INFRASTRUCTURE COSTS

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

(100) TRAFFIC CALMING

Any traffic calming measures required as a result of an approved area wide traffic calming plan under the Essential Infrastructure DA must be designed in accordance with the City's Sydney Streets technical specification and submitted concurrently with the Public Domain Plans and Essential Infrastructure Plans for approval.

(101) TEMPORARY TURNING AREAS

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

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

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

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

(102) DRAINAGE SYSTEM DESIGN

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

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

(103) TEMPORARY DRAINAGE CONNECTION

- (a) An easement for stormwater drainage is to be created over the temporary connection through Building 11C to Botany Road.
- (b) The temporary drainage connection and associated drainage easement through Building 11C is to be removed once the adjoining stormwater drainage network along Hinchcliffe St and Geddes Ave is constructed and the stormwater can be diverted to this system.

- (c) The cost of removing or capping off the temporary connection shall be borne by the developer.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(104) 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.

(105) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(106) 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.

(107) 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.

(108) BASIX

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

(109) 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.
- (f) Where hoisting activity over the public place is proposed to be undertaken, including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) NOTICE TO PCA REGARDING RECYCLED WATER CONNECTION

A compliance certificate issued by Green Square Water shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

(118) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(119) 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.

(120) 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.

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

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

NSW Office of Water General Terms of Approval

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provisions for unforeseen high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

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

During excavation

10. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

11. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
12. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
13. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
14. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

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

Carried.

Note - The Director City Planning, Development and Transport advised the Committee that, in the subject report, the following words "This complies with the requirement that 50% of the minimum required private open space has adequate access to sunlight" contained under the heading "Solar Access", the last sentence of clause 78, on page 380, should be deleted as it is incorrect.

ITEM 9 POST EXHIBITION - PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – HERITAGE LISTING OF 163 BROUGHAM STREET, WOOLLOOMOOLOO (S107132)

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the submissions received to the public exhibition of the Planning Proposal: Heritage listing of 163 Brougham Street, Woolloomooloo;
- (B) the Central Sydney Planning Committee approve the Planning Proposal, as shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and

- (C) the Central Sydney Planning Committee note the recommendation to the Council's Planning and Development Committee on 28 October 2014 that authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

Carried unanimously.

ITEM 10 POST EXHIBITION - LACHLAN PRECINCT WATERLOO, PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (S108513)

Moved by Mr Knowles, seconded by Councillor Mant -

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal: Lachlan Precinct and Draft Sydney Development Control Plan 2012 (Amendment No. XX) – Lachlan Precinct, as shown at Attachment C to the subject report;
- (B) under section 39 (1) of the City of Sydney Act 1988, the Central Sydney Planning Committee approve Planning Proposal: Lachlan Precinct shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 2014 that Council approve Draft Sydney Development Control Plan 2012 (Amendment No. XX) – Lachlan Precinct, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan;
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal to correct any minor drafting errors;
- (E) the Central Sydney Planning Committee note the Lachlan Public Domain Strategy, dated October 2014 at Attachment G to the subject report, as the principal guiding document for the future design of the public domain in the Lachlan Precinct; and
- (F) the Central Sydney Planning Committee note the City intends to prepare a future amendment to Sydney Development Control Plan 2012 to increase the setbacks required for street widening on some properties with frontage to Murray Street.

Carried unanimously.

ITEM 11 MILLERS POINT HERITAGE CONSERVATION AREAS – AMENDMENT TO PLANNING CONTROLS (S122551)

Note - A memo dated 29 October 2014 from the Director City Planning, Development and Transport, Relevant to Item 11 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 - Millers Point Amendment, shown at Attachment A to the subject report, for submission to the Minister for Planning under Section 57(2) of the Environmental Planning and Assessment Act 1979 with a request for a Gateway Determination, subject to the following amendments:
 - (i) Under LEP Drafting Notes on page 9 insert into Clause (3) after the word 'site' the following words: "and that is endorsed under Section 38A of the Heritage Act, 1977";
 - (ii) Delete Item No. 1880 Former Warehouse "MSB Stores" at 36 Hickson Road, Millers Point from the table titled "Properties within the Millers Point Heritage Conservation Area to which this Planning Proposal applies" in Appendix B of the Planning Proposal;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 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 of her functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 2014 that Council approve the Draft Sydney Development Control Plan 2012 – Millers Point Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the Planning Proposal, subject to the addition of the following principle to the Locality Statement Principles under Section 2.6:
 - (i) In the event of destruction of a building; replacement buildings must have a floor area that does not exceed that which it replaces and be sympathetic to the scale, setting and proportions of existing development, including adjacent heritage items, and use materials, finishes, textures and details appropriate to the building type and style;
- (E) the Central Sydney Planning Committee delegate authority to the Chief Executive Officer to make minor changes to the Planning Proposal: Sydney Local Environmental Plan 2012 – Millers Point Amendment, following receipt of the Gateway determination to prepare for public exhibition; and

- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 2014 that Council delegate authority to the Chief Executive Officer to make any minor changes to the Draft Sydney Development Control Plan 2012 – Millers Point Amendment following receipt of the Gateway Determination.

Carried unanimously.

ITEM 12 MINOR POLICY AND HOUSEKEEPING AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S121969)

Note - A memo dated 30 October 2014 from the Director City Planning, Development and Transport, Relevant to Item 12 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

Moved by Mr Knowles, seconded by Councillor Kok –

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Minor Policy and Housekeeping Amendments 2014, shown at Attachment A to the subject report, for submission to the Minister for Planning under Section 57 (2) of the Environmental Planning and Assessment Act 1979 with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 – Minor Policy and Housekeeping Amendments 2014, for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 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 the local environmental plan;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 2014 that Council approve the Draft Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014, shown at Attachment B to the subject report, and amended as shown in Attachment 1 of the Information Relevant To Item 12 at CSPC for 30 October 2014, for public authority consultation and public exhibition in parallel with the public exhibition of the Planning Proposal: Sydney Local Environmental Plan 2012 – Minor Policy and Housekeeping Amendments 2014;
- (E) the Central Sydney Planning Committee delegate authority to the Chief Executive Officer to make minor changes to the Planning Proposal: Sydney Local Environmental Plan 2012 – Minor Policy and Housekeeping Amendments 2014, following receipt of the Gateway determination to prepare for public exhibition; and

- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 2014 that Council authorise the Chief Executive to make any minor variations to the Draft Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014, following receipt of the Gateway determination to prepare for public exhibition.

Carried unanimously.

ITEM 13 PLANNING PROPOSAL: SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS (S122740)

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: Heritage listing of industrial and warehouse buildings, shown at Attachment B 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 industrial and warehouse buildings for public exhibition;
- (C) the Central Sydney Planning Committee note the recommendation at Council's Planning and Development Committee on 28 October 2014 that Council approve the amendment to Sydney Development Control Plan 2012 Heritage Contributions Map, shown at Attachment C to the subject report, for public exhibition;
- (D) the Central Sydney Planning Committee note the recommendation at Council's Planning and Development Committee on 28 October 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;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 28 October 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 to list the identified industrial heritage items and conservation areas; and
- (F) the Central Sydney Planning Committee adopt the City of Sydney Industrial and Warehouse Buildings Heritage Study, shown at Attachment A to the subject report, as an interim policy to provide guidance in development assessment to assist in protecting the buildings identified in the Study, during the plan making process and, further, the Study be placed on the City website as a planning policy.

Carried unanimously.

Note. Item 1 was dealt with at an earlier stage of the meeting (see page 383).

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 11 September 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 11 September 2014.

ITEM 4 ELECTION OF DEPUTY CHAIRPERSON (S108553)

Moved by Mr Knowles, seconded by Mr Webster -

It is resolved that:

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

Carried unanimously.

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

Councillor Mant was declared elected to the position of Deputy Chairperson of the Central Sydney Planning Committee for the duration of Councillor Mant's term of office as a member, namely to 30 September 2015.

The meeting of the Central Sydney Planning Committee concluded at 6.40pm.

CHAIR