



CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 408
Thursday 4 December 2014
Notice Date 28 November 2014

Volume 1 of 2

minutes

city of villages

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PRESENT

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

Members - Mr Daniel Keary (Alternate Member to Ms Carolyn McNally, Secretary, Department of Planning and Environment), Councillor Robert Kok, Councillor John Mant, Mr Peter Poulet and Ms Gabrielle Trainor.

At the commencement of business at 5.08pm, those present were -

The Lord Mayor, Mr Keary, Councillor Kok, Councillor Mant, Mr Poulet and Ms Trainor.

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

Welcome

The Chair (the Lord Mayor), welcomed ministerial appointments/reappointments to the Central Sydney Planning Committee, namely - Mr Peter Poulet, Ms Gabrielle Trainor, Ms Carolyn McNally and Mr Daniel Keary.

The Chair (the Lord Mayor) also acknowledged and thanked the former members of the Central Sydney Planning Committee, the Hon Craig Knowles and the Hon Robert Webster, for their contribution to the Committee.

Order of Business

The Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order:

- Item 1 - Disclosures of Interest
- Item 2 - Confirmation of Minutes
- Item 3 - Matters Arising from the Minutes
- Item 10 - Development Application: 71-79 Macquarie Street, Sydney, 5020 Circular Quay East, Sydney and 5010 Macquarie Street, Sydney
- Item 4 - Development Application: 19 Carillon Avenue, Camperdown
- Item 9 - Development Application: 956-960 Bourke Street, Zetland
- Item 15 - Sydney Local Environmental Plan 2012 – 505-523 George Street, Sydney – Planning Proposal – Draft Development Control Plan – Voluntary Planning Agreement
- Item 8 - Development Application: 18-20 O’Dea Avenue, Waterloo
- Item 5 - Section 96(2) Application: Unit 35-35B/1A Coulson Street, Erskineville
- Item 6 - Development Application: Unit 35-35B/1A Coulson Street, Erskineville
- Item 7 - Sydneygate Masterplan Amendment and Development Application: 2 Sam Sing Street, Waterloo (Formerly 2B Archibald Avenue Waterloo)
- Item 11 - Development Application: Walsh Bay Arts Precinct Concept Plan
- Item 12 - Report Summarising Determinations Delegated by the Central Sydney Planning Committee to the City of Sydney

- Item 13 - Summary of Outstanding Applications to be Reported to the Central Sydney Planning Committee
- Item 14 - Public Exhibition – 65-79 Sussex Street, Sydney – Planning Proposal and Sydney Development Control Plan 2012 Amendment
- Item 16 - Public Exhibition – 904 Bourke Street, Zetland – Planning Proposal and Draft Sydney Development Control Plan 2012 Amendment
- Item 17 - Proposed Schedule of Meetings and Briefings for 2014

Apologies

Ms McNally extended her apologies for her inability to attend the meeting of the Central Sydney Planning Committee.

Moved by the Chair (the Lord Mayor), seconded by Ms Trainor -

That the apology from Ms McNally be received and leave of absence from the meeting be granted.

Carried unanimously.

ITEM 1 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Ms Trainor disclosed a less than significant, non-pecuniary interest in Item 9 on the agenda in that she is a Member of the Barangaroo Delivery Authority Arts and Cultural Panel and has done project work for Urban Growth NSW.

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

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

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

ITEM 2 CONFIRMATION OF MINUTES (S108553)

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

That the minutes of the meeting of the Central Sydney Planning Committee of 30 October 2014, as circulated to Members, be confirmed.

Carried.

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 30 October 2014.

ITEM 10 DEVELOPMENT APPLICATION: 71-79 MACQUARIE STREET, SYDNEY, 5020 CIRCULAR QUAY EAST, SYDNEY AND 5010 MACQUARIE STREET, SYDNEY (D/2014/301)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr John Freeman, Ms Sonia Fenton, Ms Jenny Shepherd, Mr Alex Tzannes and Ms Lisa Bella Esposito of Milestone (Aust) Pty Ltd, representing adjoining owners at 69 Macquarie Street, Sydney.

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine the application after the:
 - (1) draft Planning Agreement is publicly exhibited and any submissions considered;
 - (2) Planning Agreement is executed; and
 - (3) Planning Agreement, as executed, is registered on the title of the land;
- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, in accordance with Part A and Part B below,

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

- The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) SYDNEY TRAINS REQUIREMENTS

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- (a) A 3D modelling numerical report following demolition of the existing building in accordance with Development Application D/2014/299. This report is to be in accordance with Sydney Trains requirements.
- (b) Details of the foundation material, founding levels, geometry of footings, material properties, condition of footings and information, necessary to accurately assess and analyse the existing bridge supports, retaining walls, portal and affected structural elements.

- (c) Due to the close proximity of the proposed development's excavation to the toe of footings, the bridge supports and associated retaining walls (including foundation) an assessment is to be undertaken to assess their stability, structural and geotechnical integrity for the short term and permanent situation (in particular the removal of passive resistance of the existing retaining wall).
- (d) Details of footings associated with the rail corridor and Cahill Expressway structure.
- (e) A detailed condition and structural assessment of the adjoining rail corridor and Cahill Expressway structure.
- (f) Confirmation of the current track level and centrelines.
- (g) A settlement induced risk assessment based on the combined effect of the overall settlement from groundwater drawdown and stress relaxation during excavation.
- (h) Work method statement outlining the proposed methodology for excavating rock.
- (i) Revised Derailment Risk Assessment Report in accordance with Sydney Trains requirements.
- (j) If required by Sydney Trains, a revised Geotechnical Report undertaken following the demolition of the existing building in accordance with Development Application D/2014/299.
- (k) If required by Sydney Trains, a revised Structural DA Design Report as part of the compliance with the above deferred commencement items.

Any conditions issued as part of the approval/certification by Sydney Trains of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B (Conditions of Consent (Once the Consent is Operation)) of the subject report.

PART B - CONDITIONS OF CONSENT**(ONCE THE CONSENT IS IN OPERATION)**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in the subject report and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

Note - at a later stage of the meeting, at 6.23pm, it was -

Moved by the Chair (the Lord Mayor), seconded by Councillor Mant, that Item 10 be recommitted for further discussion.

Carried.

Following recommittal, it was moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine the application after:
 - (1) the draft Planning Agreement is publicly exhibited and any submissions considered;
 - (2) the Planning Agreement is executed;
 - (3) the Planning Agreement, as executed, is registered on the title of the land; and
 - (4) consideration be given as to whether there is scope to impose further conditions that can address the concerns raised by the representative of the adjoining owners at 69 Macquarie Street, Sydney;
- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, in accordance with Part A and Part B below.

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

- The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) SYDNEY TRAINS REQUIREMENTS

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- (a) A 3D modelling numerical report following demolition of the existing building in accordance with Development Application D/2014/299. This report is to be in accordance with Sydney Trains requirements.
- (b) Details of the foundation material, founding levels, geometry of footings, material properties, condition of footings and information, necessary to accurately assess and analyse the existing bridge supports, retaining walls, portal and affected structural elements.
- (c) Due to the close proximity of the proposed development's excavation to the toe of footings, the bridge supports and associated retaining walls (including foundation) an assessment is to be undertaken to assess their stability, structural and geotechnical integrity for the short term and permanent situation (in particular the removal of passive resistance of the existing retaining wall).
- (d) Details of footings associated with the rail corridor and Cahill Expressway structure.
- (e) A detailed condition and structural assessment of the adjoining rail corridor and Cahill Expressway structure.
- (f) Confirmation of the current track level and centrelines.
- (g) A settlement induced risk assessment based on the combined effect of the overall settlement from groundwater drawdown and stress relaxation during excavation.
- (h) Work method statement outlining the proposed methodology for excavating rock.
- (i) Revised Derailment Risk Assessment Report in accordance with Sydney Trains requirements.
- (j) If required by Sydney Trains, a revised Geotechnical Report undertaken following the demolition of the existing building in accordance with Development Application D/2014/299.
- (k) If required by Sydney Trains, a revised Structural DA Design Report as part of the compliance with the above deferred commencement items.

Any conditions issued as part of the approval/certification by Sydney Trains of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with

- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B (Conditions of Consent (Once the Consent is in Operation)) of the subject report.

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in the subject report and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 4 DEVELOPMENT APPLICATION: 19 CARILLON AVENUE CAMPERDOWN (D/2013/1973)

Note - A memo dated 2 December 2014 from the Director City Planning, Development and Transport, Relevant to Item 4 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter -

- Ms Deborah Wilcox, General Manager, Royal Prince Alfred Hospital and A/Director Operations, Sydney Local Health District
- Mr Wayne Erickson, Principal, St Andrew's College

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that consent be granted to Development Application No. D/2013/1973 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/2013/1973 dated 18 December 2013 and the following drawings:

Drawing Number	Architect	Date
AR.DA.2002 Site Plan	TKD Architects	16.09.14
AR.DA.2003 Envelope Diagrams	TKD Architects	16.09.14
AR.DA.2004 Envelope Elevations	TKD Architects	16.09.14
AR.DA.2005 Envelope Sections	TKD Architects	16.09.14
AR.DA.2008 Envelope Area Calculations	TKD Architects	16.09.14
AR.DA.2009 Demolition Plan	TKD Architects	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 buildings must be modified as follows:

- (a) The removal of the existing stone path and associated trees is not approved. Trees along the path are to be retained in accordance with Condition 3.
- (b) The multi-purpose courts are to be finished with a green court surface, with fixed fences on the north and south sides only, and with retractable nets to the east and west sides. Details of the court finish, nets and any proposed lighting are to be submitted.
- (c) The submitted landscape masterplan, prepared by Taylor Brammer Landscape Architects, dated 21/05/2014 is not approved. A revised landscape masterplan showing retention of the stone path and trees outlined in Condition 2(a) and details of the multi-purpose courts outlined in Condition 2(b) are to be submitted.
- (d) The Multi-Purpose Building envelope is not approved at this time. The building envelope is to be deleted from the master plans and associated plans.
- (e) The western end of the Northern Building envelope is to provide a 3m setback from the northern property boundary for a length of 65m. The southern end of the building is to provide a 3m setback from the northern property boundary adjacent to Gloucester House. The setback area is to be appropriately landscaped. The building height of RL 47.00 is to be maintained to Gloucester Drive for a minimum depth of 2.5m. The building height of RL 47.00 and the 28 degree view cone shown on AR.DA.2003 Revision B is to be maintained to the Main Building.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the lodgement of any Stage 2 Development Application.

(3) TREES THAT MUST BE RETAINED

That the existing trees detailed in Table 2 below be retained and protected throughout the proposed development.

Table 2 – Tree Retention:

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

Tree No	Botanical/Common Name	Location
1-6, 8-9, 12-13	<i>Eucalyptus globulus</i> (Tasmanian Blue Gum), <i>Lophostemon confertus</i> (Brush Box), <i>Cinnamomum camphora</i> (Camphor Laurel), <i>Afrocarpus falcatus</i> (Outeniqua Yellowwood)	Stone/axial path
99	<i>Cinnamomum camphora</i> (Camphor Laurel)	Western Avenue site boundary
128	<i>Ulmusprocera</i> (English Elm)	Northern site boundary near grounds maintenance yard/storage area
158, 168-169, 173, 201, 203, 206, 208, 210-211	<i>Corymbia maculate</i> (Spotted Gum)	South eastern corner of site

(4) STAGE 2 BUILDINGS

- (a) Buildings the subject of Stage 2 Development Applications shall be wholly contained within the approved building envelopes.
- (b) The approved building envelopes are inclusive of balconies, shading devices, architectural features and the like and are subject to modification to comply with the relevant provisions of Sydney Development Control Plan 2012 and the Residential Flat Design Code.
- (c) All roof-top plant and associated equipment must be located within the approved building envelope.
- (d) The future Stage 2 Development Applications must address compliance with SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code.
- (e) All elevations of the North building and the Health Services Facility shall be designed to achieve a high quality architectural expression, incorporating articulation, modelling and with a combination of windows and solid wall elements. Specifically, the north elevation should consider and acknowledge its contribution to the public domain of the Royal Prince Alfred Hospital.

(5) DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION

The future Stage 2 Development Applications must address compliance with:

- (a) Stage 1, as amended by consent conditions;
- (b) SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code; and
- (c) Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, City Policy for Waste Minimisation in New Developments and any other relevant Council policies at the time of lodgement.
- (d) A detailed assessment of heritage impacts, measured against the significance of the College and the policies of the existing Conservation Management Plan. These heritage impact statements are to be prepared by suitably qualified and experienced heritage consultants.
- (e) The future Stage 2 development application for the North building and the Health Services Facility shall include a traffic and access management plan that considers:
 - (i) access arrangements to the site;
 - (ii) pedestrian safety (particularly on Missenden Road);
 - (iii) potential conflicts between cars entering/exiting the site with cars on Missenden Road and cars entering/exiting from driveways to the Royal Prince Alfred Hospital; and
 - (iv) measures required to minimise conflicts between cars entering/exiting the site with pedestrians and other cars.

(6) GREEN TRAVEL PLAN

- (a) The Green Travel Plan, prepared by GTA Consulting and dated 4 November 2014, as amended shall be implemented, monitored and reviewed on an annual basis by the developer or a travel coordinator 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) An updated Green Travel Plan may be required as part of the submission of any Stage 2 development application.

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(7) LANDSCAPE MASTERPLAN

The submitted landscape masterplan, prepared by Taylor Brammer Landscape Architects, dated 21/05/2014, is not approved. A revised landscape masterplan, drawn to scale, by a qualified landscape architect or landscape designer, should be prepared and include:

- (a) Location of existing and proposed structures on the site including existing trees.
- (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
- (c) Location, numbers and type of plant species.
- (d) The design must provide a minimum 25% canopy cover across the site, provided by trees that will reach a minimum height of eight (8) metres and minimum canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement. See details below of advanced tree planting requirements.
- (e) Details of planting procedure, drainage and watering systems.
- (f) A revised Plant Schedule that:
 - (i) Includes more locally-indigenous species, and other habitat features that encourage local fauna such as reptiles, small birds and other priority species of local conservation significance.
 - (ii) Omits hybridised species.
 - (iii) Includes dense understorey locally indigenous vegetation i.e. low-medium shrubs, in addition to native grasses should be incorporated into landscaping plans throughout the grounds in areas identified to increase native plant diversity. Locally indigenous trees are also recommended as replacements.
 - (iv) The plans for the existing eucalypt grove in western corner to plant native grasses only will support limited priority species. Review to include dense understorey shrubs as highlighted above.
 - (v) In areas identified to cover with understorey groundcover where sites are shaded, locally indigenous plants suitable for shaded sites should be selected. Species found in Coastal Escarpment Littoral Rainforest may be more suitable.

NOTE: Refer to the City's draft Urban Ecology Strategic Action Plan for further detail.

The Applicant should engage an ecologist or wildlife rescue officer to check habitat features for the presence of fauna in trees that will be removed, and manage its relocation.

The revised landscape masterplan shall be submitted and approved by Council's Director City Planning, Development and Transport prior to the lodgement of any Stage 2 Development Application.

(8) ADVANCED TREE PLANTING

Tree planting within the site should be undertaken in accordance with the following:

- (a) The design should provide a minimum 25% canopy cover across the site, provided by trees that will reach a minimum height of eight (8) metres and minimum canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (b) The trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.0 metres.
- (d) The trees should be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (e) The replacement plantings should be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable, to ensure tree growth into maturity.

(9) TREE SUPPLY, INSTALLATION & MAINTENANCE PLAN

A detailed supply, installation and maintenance specification should be prepared a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework and consider the following:

- (a) Replacement trees should be contract grown to meet the requirements of the project.
- (b) The estimated time required to produce trees for replacement planting should meet the requirement of the proposed removal program.
- (c) To ensure the consistency of quality plant material at the time of supply, periodic inspection of the trees by a qualified arborist throughout the growing period should be undertaken to ensure compliance and quality control.
- (d) The newly planted trees on site should be appropriately maintained on an on-going basis.
- (e) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

(10) TREE REMOVAL

Tree removal should be delayed for as long as possible, with trees only removed when required to facilitate demolition or construction (except where trees are in poor health / condition).

(11) 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 to Council's tree management officer as detailed below:
 - (i) Installation of the tree protection measures
 - (ii) During demolition of any structure within the TPZ of any tree to be retained.
 - (iii) During any excavation and trenching within the Tree Protection Zone.
- (b) A monthly report shall be submitted to Council's tree management officer which provides details on the health and structure of trees 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).

(12) HERITAGE INTERPRETATION PLAN

- (a) A heritage interpretation plan for the College must be submitted to and approved by Council, prior to any works commencing in relation to development arising from the approved Masterplan.
- (b) The interpretation plan must detail how information on the history and significance of the College will be provided for the staff and students of the College and general public, and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan is to specifically address the historic functions of the buildings proposed to be demolished, including Angus Hall, the Gymnasium, Laboratory and Principal's Residence, as well as the multi-purpose courts.
- (d) The plan is to show the location, type, materials and contents of the interpretation proposed, and this is to be prepared by a suitably qualified and experienced heritage practitioner.

- (e) The plan is to indicate the staging of the implementation of the interpretation which is to relate to the order of the development of the approved masterplan.

(13) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to demolition, an archival photographic recording of the Angus Hall Gymnasium, Laboratory and Principal's Residence 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.

(14) LAND CONTAMINATION – DETAILED SITE ASSESSMENT

A Detailed Environmental Site Assessment (DESA) must be carried out of the site in accordance with relevant NSW EPA Guidelines and the recommendation given in the Letter of Interim Advice, prepared by Michael Hayter, Dated 15th August 2014. The DESA must be submitted to the City's

Area Planning/Health and Building Manager for written approval and confirm that the site is not subject to any level of contamination that would require remediation and that the site is suitable for the proposed development use.

The DESA must be submitted prior to the lodgement of any Stage 2 Development Application.

(15) LAND CONTAMINATION – REMEDIATION ACTION PLAN

Where the Detailed Environmental Site Assessment concludes that the site requires remediation in order to make the site suitable for the proposed use, a Remediation Action Plan (RAP) must be obtained from a suitably qualified Environmental Consultant experienced in land contamination and New South Wales legislation including the Contaminated Land Management Act 1997 and EPA contaminated land guidelines. The RAP must be submitted to the City's Area Planning/Health and building Manager for approval.

The site must be remediated in accordance with the RAP approved in writing by the City's Area Planning/Health and Building Manager.

Any variations to the approved Remediation Action Plan must be approved in writing by the City prior to the commencement of such work.

Note: The City has the right to request that the RAP be peer reviewed by a NSW EPA accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before approval of the submitted RAP is given. On completion of the remediation works and prior to Occupation Certificate a Site Audit Statement will be requested from the Site Auditor confirming that the site is suitable for the proposed use.

(16) LAND CONTAMINATION - SITE VALIDATION

A Site Validation Report is to be forwarded to the City's Area Planning/Health and Building Manager for written approval prior to the lodgement of any Stage 2 Development Application.

The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following:

- (a) The extent of validation sampling, and the results of the validation testing.
- (b) That the remediation and validation of the site has been undertaken in accordance with any approved Remedial Action Plan.
- (c) That the site is suitable for the proposed use.

(17) SITE AUDIT STATEMENT

The City has the right to request that the Remediation Action Plan be peer reviewed by a NSW EPA accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

In such cases and on completion of the remediation works/prior to Occupation Certificate a Site Audit Statement must be obtained from the appointed NSW EPA accredited Site Auditor and be forwarded to the City's Area Planning/Health and Building Manager for written approval confirming that the site is suitable for the proposed use.

(18) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(19) VEHICLE FOOTWAY CROSSING

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

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

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

(20) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of the lineal metres of the site frontage will be required as part of any Stage 2 Development Applications. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate for the relevant Stage 2 application.

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.

(21) 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:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ 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 or commercial premises provided that;
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise

measurements are to be representative of the environmental noise levels at the affected location.

- (v) Modifying factors in Table 4.1 of the NSW Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(22) SYDNEY WATER REQUIREMENTS

Servicing Brief

- (a) The developer is required to submit a preliminary Water & Wastewater Requirements servicing Brief.
- (b) The servicing brief must describe the ultimate and any staged interim servicing strategy detailing the water and wastewater requirement of the existing Sydney Water infrastructure. These details will include the proposed connection points to the water/wastewater system and demand on the water and wastewater network. Where the developer is adopting alternate water sources the supplier of last resort must be nominated.
- (c) Water demands must be based on the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Where the developer is adopting alternate water sources for non-potable use that will reduce the standard design demand rates, they must provide the adopted operational and design criteria. The designer must supply the calculations broken up by land-use type i.e. commercial, residential etc. and include any back-up to the proposed recycling/reuse on site.
- (d) Water demands for the ultimate and interim stages must be specified as:
 - (i) Average Demand
 - (ii) Maximum Demands
 - (iii) Peak Demand
 - (iv) Proposed usage patter
- (e) Wastewater discharge must be based on the Sewage Code of Australia (Sydney Water Edition WSA 02-2002). The designer shall estimate the equivalent population to be discharged from the development by land use and include any back-up to the proposed recycling/reuse facility onsite.
- (f) If the developer proposes to connect to Sydney Water's system via a private pump to sewer they must specify proposed discharge flow rates under the interim and ultimate conditions.

Stormwater

- (g) Reference is made to the Item 2.3 (Building Over Stormwater) and the Appendix B (Sydney Water Letter) of the report titled "DA Report for Hydraulic and Fire Service Infrastructure" dated 4 September 2013 by

Donnelley Simpson Cleary Consulting Engineers. All the proposed work within the zone of influence of the Sydney Water stormwater channel is to be in accordance with the above documents.

(23) AUSGRID REQUIREMENTS

Provision of multiple electrical substations may be required as part of Stage 2 development applications.

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.

(24) PHYSICAL MODELS

- (a) Prior to works commencing, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

Note:

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

(25) ELECTRONIC CAD MODEL

- (a) Prior to works commencing an accurate 1:1 electronic CAD model of the approved development 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.

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

All works conducted on site that form part of this development must be carried out in accordance with the acoustic report prepared by Resonate Acoustics, Reference S13043RP1 dated 4th of November 2013.

(27) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to any works commencing.

(28) ALIGNMENT LEVELS – MINOR DEVELOPMENT

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

(29) PUBLIC DOMAIN PLAN

Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with any Stage 2 development application which will have an impact on the public domain.

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

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

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

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

(30) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

(31) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence whichever applies.

- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and

- (iii) site activities and time frames.

(32) 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 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 Resource Recovery Act 2001.
- (d) Work Health and Safety Act 2011.
- (e) Work Health and Safety Regulation 2011.

(33) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(34) ROAD OPENING PERMIT

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

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

(35) 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).

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(36) 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.

(37) 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.

(38) 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 (EHO to specify hours).

- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(39) 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.

(40) 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.

(41) 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.

(42) 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.

(43) 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.

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 9 DEVELOPMENT APPLICATION: 956-960 BOURKE STREET ZETLAND (D/2014/642)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Llewallyn Jones and Ms Rachel Sansom.

Moved by Mr Poulet, seconded by Ms Trainor -

It is resolved that consent be granted to Development Application No. D/2014/642, 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/2014/642 dated 9 May 2014 and the following drawings:

Drawing Number	Architect	Date
DA 005 Basement 3 and 2 Plan	FJMT	14.11.14
DA 006 Basement 1 and Ground Plan	FJMT	14.11.14
DA 007 5A Levels 1-6 Floor Plans	FJMT	14.11.14
DA 008 5A Levels 7- 27 Floor Plans	FJMT	14.11.14
DA 009 5A and 5B Roof and Plant Plans	FJMT	14.11.14
DA 010 5B Levels 1-4 Floor Plans	FJMT	14.11.14
DA 011 5B Levels 5-9 Floor Plans	FJMT	14.11.14
DA 012 Elevation – 5A North	FJMT	11.04.14
DA 013 – Elevation – 5A South	FJMT	11.04.14
DA 014 Elevation - 5A and 5B East	FJMT	14.11.14
DA 015 Elevation - 5A and 5B West	FJMT	14.11.14
DA 016 Elevation - 5B North and South	FJMT	14.11.14
DA 017 Detail Façade Elevations – Sheet 01	FJMT	17.04.14
DA 018 Detail Façade Elevations – Sheet 02	FJMT	17.04.14
DA 019 Detail Façade Elevations – Sheet 03	FJMT	17.04.14
DA 020 5A Cross Section	FJMT	11.04.14
DA 021 5B Cross Section	FJMT	14.10.14
DA 022 GFA Area Plans – Sheet 1	FJMT	14.11.14
DA 025 Adaptable Apartment Plans – Sheet 1	FJMT	11.04.14
DA 026 Adaptable Apartment Plans – Sheet 2	FJMT	11.04.14
DA 027 Adaptable Apartment Plans – Sheet 3	FJMT	11.04.14
DA 033 Landscape Ground Floor Plan	FJMT	14.11.14

Drawing Number	Architect	Date
DA 034 Landscape Sections and Elevations	FJMT	14.11.14
DA 035 Landscape Building 5B Terrace	FJMT	14.11.14

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 development must be modified as follows:

- (a) Skylights to the Level 27 apartments in Building 5A are to be incorporated into the development, as identified in the Development Application Clarifications Report prepared by FJMT dated 10 November 2014. DA drawings are to be updated and provided;
- (b) Solid upstands or patterned glazing is to be incorporated to balconies in Building 5B at the lower three levels above the podium, gradually becoming more transparent as the balconies traverse up the elevation; and
- (c) The basement break-through panel and surrounds for its future access to "Site 5C" at the north-eastern corner of the site are to remain common property and are not to be occupied by uses capable of strata or land subdivision, including storage cages that are divisible.

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.

(3) PORTMAN LANE FRONTAGE

The design lodged for the Portman Lane frontage (Drawings DA 016, DA 33, DA 34 and DA 35) is not approved. A revised Portman Lane treatment is required to be approved by the Director City Planning, Development and Transport prior to a Construction Certificate being issued. The Portman Lane architecture and landscaping is to relate to the lanescape and tie into the design for Site 16 to the south.

(4) VOLUNTARY PLANNING AGREEMENT

The development must be carried out in accordance with all of the obligations referenced within the Voluntary Planning Agreement referenced Planning Agreement: Green Square Town Centre – LML Development executed on 20 August 2013 and entered into by Green Square Consortium Pty Ltd and Landcom.

(5) BOURKE STREET FOOTWAY UPGRADE

The Bourke Street frontage of the site, from Ebsworth Street to Portman Street, shall be upgraded in consultation with the City's Green Square Infrastructure Unit. The upgrade works are to include paving to the City's specification, cycleway marking, kerb replacement, drainage works, service requirements, adjustments to service pits and manholes, street lighting, street trees and traffic control and signposting. Details are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(6) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
 - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council 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.

(7) 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 the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(8) DESIGN DETAILS (MAJOR DEVELOPMENT)

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board (DA 032), and specifications prepared by FJMT.

(9) BUILDING HEIGHT

- (a) The height of the buildings must not exceed the following:
 - (i) Building 5A - RL 114.00 (AHD) to the top of the building and RL 111.00 (AHD) to the parapet of the building;
 - (ii) Building 5B - RL 54.45 (AHD) to the top of the building and RL 52.75 (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.

(10) 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 0.11:1; for the residential use must not exceed 3.82:1 calculated in accordance with Sydney Local Environmental Plan (Green Square Town Centre) 2013. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is 763.2sqm, for the residential component is 25,390.8sqm, and the total Gross Floor Area is 26,154sqm.
- (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) 2013, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(11) 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.

(12) 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.

(13) LAND SUBDIVISION – ACCESS TO “SITE 5C”

Any proposal for land subdivision involving the creation of separate parcel(s) for Building 5A and 5B will require the creation of a right of carriageway for “Site 5C” from the Tweed Place driveway to the basement break-through panel.

(14) USE OF COMMERCIAL TENANCY - SEPARATE DA REQUIRED

A separate development application for the fitout and use of commercial/retail tenancies 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.

(15) SIGNAGE STRATEGY

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

(16) 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.

(17) CONSTRUCTION LIAISON 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.

(18) 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.

(19) 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.

(20) 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 \$5,314,913.95 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 791sqm, and for residential development at \$150.20 per square metre of total residential floor area 35,122sqm. 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 (\$)).

(21) DESIGN OF WASTE FACILITIES

- (a) Clearance height for access by collection vehicles must be no less than 3.6m 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.
- (d) A storage area for discarded bulky items must be provided per block of residential units.

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.

(22) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA) relevant to the appropriate building classification.

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

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

(24) ELECTRICITY SUBSTATION

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

(25) RMS REQUIREMENTS - CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, cumulative traffic impacts, access arrangements, parking effects/management, managing pedestrian movements and traffic control shall be submitted to Council and Roads and Maritime Services for approval prior to the issue of any Construction Certificate.

(26) RMS REQUIREMENTS - SITE EXCAVATION

For general site excavation associated with the development, the Applicant is to comply with the requirements of the Technical Direction (GTD 2013/001) - Excavation Adjacent to Roads and Maritime Infrastructure. This will require the Applicant to submit detailed design drawings and geotechnical reports to the RMS for assessment. The Applicant is to meet the full cost of this assessment by RMS.

(27) RMS REQUIREMENTS - DRAINAGE

Should there be any changes to Roads and Maritime drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval prior to commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

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

(28) RMS REQUIREMENTS – CONSTRUCTION TRAFFIC

All construction vehicles are to be wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bourke Street.

(29) RMS REQUIREMENTS – TRAFFIC NOISE

The proposed development must be designed such that road traffic noise from Bourke Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.

(30) RMS REQUIREMENTS – COST OF SIGNPOSTING

All works / regulatory signposting associated with the development shall be at no cost to the Roads and Maritime.

(31) CONNECTION TO NON-POTABLE RECYCLED WATER NETWORK

Prior to the issue of a Construction Certificate and in accordance with the Voluntary Planning Agreement between Council and Green Square Consortium Pty Ltd, the applicant shall submit a plan for the approval by the Council that provides for a connection to the non-potable recycled water network in the street.

(32) ARCHAEOLOGICAL MANAGEMENT

The Archaeological Management strategies specified by AHMS in Section 6.2 of Archaeological Management Plan, Green Square Town centre for Green Square Consortium dated August 2013 are to be followed during the project.

(33) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any historical 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 relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

(34) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 125 lineal metres of the concrete paver site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(35) ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.
- (d) Where the Public Domain works are being delivered by the City of Sydney, the City's approved alignment levels are to be adopted and included in the submission. Adjustment to the approved alignment levels is not permitted except where approved by the Director City Planning, Development and Transport.

(36) PUBLIC DOMAIN PLAN

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

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

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

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

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

(37) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(38) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:

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

(39) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

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

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.

- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (e) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(40) 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).

(41) ESSENTIAL INFRASTRUCTURE CO-ORDINATION

Where Public Domain frontages and other essential infrastructure required to service this development are to be delivered by the City of Sydney, those works are to co-ordinated with the City's Green Square Team to ensure that they will be delivered prior to the issue of the first Occupation Certificate for the building.

Prior to a Construction Certificate being issued for any new building work excluding approved preparatory, demolition or shoring work, confirmation of the design of all works by the City is to be submitted in conjunction with the submission of the Public Domain Plan, Alignment Levels and Stormwater conditions.

All costs associated with the construction of any temporary Essential Infrastructure works including kerb and gutter, road pavement, drainage system, footway, tree planting, landscaping and utilities shall be borne by the developer.

(42) NO ENCROACHMENT INTO THE PUBLIC DOMAIN

All doors (including when open), access stairs and ramps related to the development shall be setout such that no part (including tactile indicators and handrails) shall encroach onto the footpath or other parts of the public domain.

(43) 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.

(44) 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.

(45) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(46) BICYCLE PARKING AND END OF TRIP FACILITIES

The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(47) CAR PARKING SPACES AND DIMENSIONS

A maximum of 180 off-street car parking spaces must be provided – 168 for residents, 8 for retail staff and 4 for car share.

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.

(48) 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.

(49) LOADING WITHIN SITE

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

(50) 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.

(51) MOTORCYCLES

An area equivalent to a minimum of four car spaces (or 15 motorcycle spaces) must be provided for motorcycles.

(52) 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.

(53) 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.

(54) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.8m.

(55) SERVICE VEHICLES

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

(56) 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, or shared zone.

(57) 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.

(58) TRAFFIC WORKS

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

(59) VEHICLE FOOTWAY CROSSING

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

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

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

(60) SMALL CAR PARKING SPACES AND DIMENSIONS

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

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

(61) GREEN TRAVEL PLAN

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

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

(62) 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.

(63) ACCESSIBLE PARKING SPACES

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

(64) CAR SHARE SPACES

- (a) A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The car share spaces are to be available at the same time that the car park commences operation.

(65) LOADING MANAGEMENT PLAN

A Loading Management Plan is to be submitted to Council and approved, prior to an Occupation Certificate being issued.

The Plan is to identify how the loading dock will be managed and used by all tenants (retail, commercial and residential) to enable the efficient servicing of the development.

Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(66) DRIVEWAY WIDTHS AND SPLAYS

A minimum 1 metre splay on the north east corner of the car park entry is to be incorporated into the design of the car park access to open up sightlines for vehicles exiting the site.

(67) NOTIFICATION OF EXCAVATION WORKS

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

(68) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

(69) LAND REMEDIATION

- (a) The site is to be remediated and validated in accordance with the Overarching Remediation Action Plan (RAP) – Green Square Town Centre, prepared by ENVIRON Australia Pty Ltd, October 2013, Project Number AS121555, Audit Number BN473.
- (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 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.

(70) SITE AUDIT STATEMENT

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

(71) 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.

(72) 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.

(73) CONTAMINATED WASTE

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

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

(74) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence, whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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

The site notice board must include the following:

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

(75) 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.

(76) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(77) 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.

(78) DUST MANAGEMENT

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

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

(79) 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.

(80) 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.

(81) NOISE USE – GENERAL

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

- (iii) 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.
- (iv) 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.

(82) 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 1:00pm– 4:30pm Mondays to Friday;
 - (ii) 9:00am – 1:00pm on Saturdays; and
 - (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.

(83) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations contained in the Acoustic Assessment – Green Square Town Centre Site 5AB, prepared by Acoustic Logic dated 7 April 2014 must be implemented during construction and use of the premises, including the following:

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

(84) 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.

(85) 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.

(86) NOISE – MECHANICAL PLANT AND EQUIPMENT

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

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

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

(87) NOISE CONTROL VERIFICATION

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

The report must also confirm that resultant operational noise levels from the mechanical plant and equipment and proposed loading dock 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.

(88) 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.

(89) 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:
- (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.

(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 COLLECTION, DELIVERIES AND LOADING DOCK AREA

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

(92) RE-USE OF ROOF RAINWATER**(a) Use**

- (i) 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
 - (i) 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' 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.

(93) 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.

(94) 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.

(95) PROTECTION OF STREET TREES DURING CONSTRUCTION

All new street trees planted adjacent to the site must be protected at all times during construction in accordance with Council's Tree Preservation Order.

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

(96) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal of trees located within Site 5C. These existing trees located at the corner of Bourke and Portman Streets be retained and protected throughout the development. Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Forestry Australia, dated April 2014 for tree locations.

(97) TREES APPROVED FOR REMOVAL

The existing trees detailed in Table 1 may be removed during the demolition works on the subject site. Reference should be made to the Arboricultural Impact Assessment Report prepared by Urban Forestry Australia, dated April 2014 for tree numbering and locations.

Tree No:	Botanical Name/Common Name	Location
1 - 6	<i>Casuarina glauca</i> Swamp She Oak	Portman Lane boundary
7	<i>Syagrus romanzoffianum</i> Cocos palm	Bourke Street Boundary
8	<i>Casuarina glauca</i> Swamp She Oak	Bourke Street Boundary
9	<i>Cupressus sempervirens</i> Mediterranean Cypress	Bourke Street Boundary
10	<i>Casuarina cunninghamiana</i> River She Oak	Bourke Street Boundary
11	<i>Cupressus sempervirens</i> Mediterranean Cypress	Bourke Street Boundary
12	<i>Casuarina cunninghamiana</i> River She Oak	Bourke Street Boundary
13	<i>Cupressus sempervirens</i> Mediterranean Cypress	Bourke Street Boundary
14 - 19	<i>Casuarina cunninghamiana</i> River She Oak	Bourke Street Boundary
20	<i>Populus nigra</i> 'Italica' Lombardy Poplar	Bourke Street Boundary

Tree No:	Botanical Name/Common Name	Location
21, 22	<i>Fraxinus griffithii</i> Evergreen Ash	Bourke Street Tree
23 - 25	<i>Casuarina cunninghamiana</i> River She Oak	Navins Lane Boundary
26 - 28	<i>Casuarina glauca</i> Swamp She Oak	Navins Lane Boundary

(98) TREE PROTECTION ZONES – NEIGHBOURING TREES

- (a) Before the commencement of works, a Tree Protection Zone/s (TPZ) must be established across the site from the Portman Lane boundary to the Bourke Street boundary isolating Site 5C from construction impacts.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.
- (c) Each TPZ must be:
- (i) Enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Woody roots shall not be damaged during the establishment or maintenance of the fencing;
 - (ii) Kept free of weed and grass for the duration of works;
 - (iii) Mulch installed / maintained to a depth of 75mm for the duration of works;
 - (iv) Have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place until works are completed on site.
- (d) The following works shall be excluded from within any TPZ:
- (i) Soil cut or fill including excavation and trenching
 - (ii) Soil cultivation, disturbance or compaction
 - (iii) Stockpiling storage or mixing of materials
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery
 - (v) The disposal of liquids and refuelling
 - (vi) The disposal of building materials
 - (vii) The sitting of offices or sheds

- (viii) Any action leading to the impact on tree health or structure.
- (e) All work undertaken within or above the TPZ must be:
 - (i) Supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework;
 - (ii) Undertaken in accordance with all directions given by the Site Arborist and/or Council
- (f) Any root/s greater than 50mm in diameter must be pruned by a qualified Arborist with a minimum AQF level 3

(99) ADVANCED TREE PLANTING

An advanced tree planting method and maintenance plan prepared by a qualified landscape architect or landscape designer must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:

- (a) The design must provide a minimum 20% canopy cover across the site, provided by trees that will reach a minimum height of four to eight metres.
- (b) Trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment
- (c) Trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (d) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (e) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

(100) PHYSICAL MODELS

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

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

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(102) 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.

(103) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

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

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

- (a) Prior to a Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and

- (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- (d) Prior to issue of an Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning, Development and Transport.

(105) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:
 - (i) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

(106) TELECOMMUNICATIONS PROVISIONS

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

(107) 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.

(108) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of affected properties, including Portman Street 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.

(109) 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.

(110) 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.

(111) 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.

(112) BASIX

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

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) 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.

(118) 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.

(119) SHOP NUMBERING

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

(120) 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.

(121) 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.

(122) 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.

(123) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(124) 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.

(125) 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 NSW Office of Water are as follows:

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient drainage will be provided beneath and around the outside of the watertight structure to ensure that groundwater is able to drain around the structure and does not cause an impediment to natural groundwater flow which would lead to an increase in hydraulic gradient across the footprint of the basement greater than double the natural hydraulic gradient.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

5. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the 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.
6. 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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
7. A copy of valid development consent for the project shall be provided in the report to the NSW Office of Water.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, 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 (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) 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 that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Weekly 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.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

14. 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 sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. 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.
16. 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 procedures.

Following excavation

17. Should pumping volumes or groundwater quality significantly differ from the predictions supporting the DA and licence applications, detailed monitoring records must be provided to the NSW Office of Water, together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

Carried unanimously.

ITEM 15 SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 505-523 GEORGE STREET SYDNEY– PLANNING PROPOSAL – DRAFT DEVELOPMENT CONTROL PLAN – VOLUNTARY PLANNING AGREEMENT (S121075)

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal: 505-523 George Street, Sydney, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: 505-523 George Street, Sydney 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 2 December 2014, that Council approve the amendment to Sydney Development Control Plan 2012 – 505-523 George Street, Sydney, shown at Attachment B to the subject report, for public exhibition in parallel with the draft Planning Proposal and draft Voluntary Planning Agreement, and in accordance with the Gateway determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to prepare a draft Voluntary Planning Agreement in accordance with the Environmental Planning and Assessment Act 1979 with the following terms:

- (i) the landowner will transfer free of cost to the Council, a stratum lot of at least 2,600 square metres of internal and external floor space for child care facilities on the highest level of the building podium. The space will front George Street and be sufficient to accommodate two child care facilities each having a minimum capacity of 65 children ages 0-6 years;
 - (ii) the landowner will transfer free of cost to the Council, a stratum lot of at least 250 square metres of internal space on the highest level of the building podium for Council administration meeting room facilities that are sufficient to accommodate 100 people, including a supporting storage room, 'ante space' and kitchenette;
 - (iii) the landowner will provide for publicly accessible toilets on George Street for no less than the building podium trading hours; and
 - (iv) the landowner will, in liaison with the City, commit to an environmental performance standard for the building tower above the minimum New South Wales BASIX requirements;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that the Voluntary Planning Agreement will be exhibited in conjunction with the Planning Proposal and the Development Control Plan amendment for the site;
- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to make any minor variations to the Voluntary Planning Agreement after its exhibition and to subsequently enter into the Agreement, on behalf of Council, with the Landowner;
- (G) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 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 amending local environmental plan; and
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to make any minor variations to the Planning Proposal: 505-523 George Street, Sydney and/or the draft Sydney Development Control Plan 2012 – 505-523 George Street, Sydney following receipt of the Gateway determination.

Carried unanimously.

ITEM 8 DEVELOPMENT APPLICATION: 18 - 20 O'DEA AVENUE WATERLOO (D/2013/2030)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Robert George, Mr Adam Haddow and Mr Benjamin Craig.

Moved by Mr Keary, seconded by Councillor Mant -

It is resolved that consent be granted to the Stage 1 Development Application No. D/2013/2030, 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) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Any future Stage 2 development must be in accordance with Development Application No. D/2013/2030 dated 24 December 2013 and amended on 11 August 2014 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants Pty Ltd dated December 2013 and the following drawings:

Drawing Number	Revision	Architect	Date
A-0111	13	SJB Architects	6 August 2014
A-0121	13	SJB Architects	6 August 2014
A-0122	13	SJB Architects	6 August 2014
A-0123	13	SJB Architects	6 August 2014
A-0124	13	SJB Architects	6 August 2014
A-0125	13	SJB Architects	6 August 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.

(3) PLANNING AGREEMENT

The draft Planning Agreement between the Council of the City of Sydney and Crown Pty Limited is to be executed and registered on title in accordance with the requirements contained within any Stage 2 consent.

(4) MATTERS NOT APPROVED IN STAGE 1 DA

The following matters are not approved as part of the Stage 1 consent:

- (a) Any works, including demolition, excavation, construction and public domain improvements;
- (b) Subdivision;
- (c) Layout, mix and number of residential units, car parking spaces and number of basements;
- (d) Precise quantum of floorspace;
- (e) Any additional 10% Design Excellence floor space allowable under control 5.6.3 of South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).
- (f) Any built form on Level 20 in Building C other than plant, lift over runs (etc.) and green roofs allowable under control 5.6.2 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).

(5) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed Stage 2 design, including services, must be contained within the building footprint and envelopes approved as part of this consent and comply with the relevant planning controls.

(6) BUILDING HEIGHT

- (a) The height of any future building must not exceed the maximum levels set out in the approved building envelopes.
- (b) The floor to floor heights are to comply with the minimum or maximum controls, calculated in accordance with control 5.6.2 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the proposal must not exceed 2:1 calculated in accordance with control 5.6.1 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).
- (b) The maximum Floor Space Ratio may be increased up to 2.2:1 only if the consent authority is satisfied that the resulting Stage 2 development exhibits design excellence and is the result of a competitive design process which satisfies the requirements of any relevant development control plan.

(8) STAGE 2 DESIGN DEVELOPMENT AND DETAILS

- (a) Any future Stage 2 DA is to provide details of the design development from the winning competitive design concept and scheme and demonstrate how the architectural quality has improved through the design development phase.
- (b) Any future Stage 2 DA is to provide details of how the residential component of the development achieves the minimum internal amenity requirements established in any relevant SEPP 65 design code or design guideline.
- (c) Any future Stage 2 DA is to provide details of how the development achieves the various controls and objectives under control 5.6 Built Form of South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct), particularly in relation to:
 - (i) Architectural Diversity and Articulation
 - (ii) Vertical Circulation
 - (iii) Active street frontages and Active Edges
 - (iv) Continuous Awnings
 - (v) Green Roofs
 - (vi) Ground Floor Conditions for Residential Flat Buildings
- (d) Any future Stage 2 DA is to provide details of the proposed construction and subdivision staging.
- (e) Any future Stage 2 DA is to include a highly developed landscape scheme for the site demonstrating landscape excellence and integration of the landscape design with the architectural design.
- (f) Any future Stage 2 DA is to integrate the recommendations and commitments outlined in the ESD Report Prepared by Cundall Dated 17 December 2013 into the design.
- (g) Any future Stage 2 DA is to integrate the recommendations outlined in the Pedestrian Wind Environment Statement Prepared by Windtech Consultants Dated 26 November 2013 into the design.

(9) STAGE 2 DESIGN MODIFICATIONS

Any future Stage 2 DA must incorporate the following design refinements and modifications:

- (a) Retail floor levels shall not be greater than 1.2 metres above the adjoining public domain.
- (b) The floor to floor heights of all residential levels above first floor shall have a minimum floor to floor height of 3.1 metres.

- (c) The design of the Hatter Lane Loading Dock is to be refined in the following manner:
 - (i) The loading bay is to be wholly contained within the site, yet external to the building;
 - (ii) No wall is permitted along the new western boundary to obstruct sight lines;
 - (iii) Truck movements must be in forward direction back onto Hatter Lane with minimal encroachment into the deep soil zone;
 - (iv) Garbage storage is to be located within the building, with bin holding areas towards southern area of loading bay;
 - (v) The western external wall and openings adjacent to the loading bay are to be integrated with the architecture of the building
 - (vi) A sleeve of retail uses to the O'Dea Ave frontage is to be maintained to obscure view of the dock from O'Dea Ave.
- (d) Landscape planting should be integrated into the stairway that will form the public domain interface with O'Dea Avenue frontage.
- (e) Detail of investigation into provision of larger private open space (balconies) to achieve compliance with the minimum 2m depth and minimum areas.

(10) PUBLIC ART

A Public Art Strategy is to be developed for the site/development in accordance with the City of Sydney's Public Art in Private Developments Guidelines and the City of Sydney's Public Art Policy and submitted with the Stage 2 DA.

(11) DETAILED ENVIRONMENTAL SITE ASSESSMENT

A Detailed Environmental Site Assessment is to be submitted with the Stage 2 DA. The Detailed Environmental Site Assessment is to be carried out in accordance with the NSW EPA Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note:

Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

OR

Where the Detailed Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA accredited site Auditor and include a statement certifying that the RAP is

practical and the site will be suitable after remediation for the proposed use before consent is given.

(12) TREES THAT MUST BE RETAINED IN STAGE 2 DESIGN

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

Tree No:	Botanical / Common Name	Location
7	Ficus rubiginosa (Port Jackson Fig)	O'Dea Ave – southern boundary
14 & 15	Melaleuca quinquenervia (Paperbark)	Street trees – adj. eastern boundary

- (c) Reference should be made to the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeIQ dated 18 December 2013 for tree numbering and locations

(13) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) Details of the location, number and class of bicycle parking spaces must be included in the Stage 2 DA.
- (b) All visitor bicycle parking is to be provided at ground floor level in an easily accessible and visible location. Staff bicycle parking is to be provided at ground floor level or basement level 1 and is to be in close proximity to end-of-trip facilities.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(14) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(15) 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.

(16) 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 visitor parking spaces are to be provided on the uppermost basement level.

(17) MOTORCYCLES

An area equivalent to 1 car parking space must be provided for the purpose of motorcycle parking for every 50 car parking spaces.

(18) SERVICE VEHICLES

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

(19) TRAFFIC WORKS

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

(20) VEHICLES ACCESS

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

(21) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.

(22) 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.

(23) 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.

(24) CAR SHARE SPACES

- (a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. The detailed basement plan provided at Stage 2 should show these spaces.

- (b) The spaces will be required to 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 will need to be made available to car share operators without a fee or charge.
- (d) The spaces will need to be sign posted for use only by car share vehicles and well lit.
- (e) The spaces will need to be publicly accessible at all times.
- (f) The car share spaces will need to be available at the same time that the car park commences operation.

(25) PARKING PLAN

A plan showing the proposed parking restrictions adjacent to the site must be prepared, including the parking restrictions, the locations of all the parking signs and stems and their chainages from the nearest intersection.

The parking restrictions at the eastern end of Dunkerley Place should be consistent with those proposed along the western section of Dunkerley Place.

The plans must be submitted with the public domain plan. The plan must be approved by Council, and gain the concurrence of the Local Pedestrian Cycling and Traffic Calming Committee.

All parking signs are to be installed at no cost to Council and must be installed prior to the Occupation Certificate being issued for the Stage 2 DA and prior to the road being open for public use.

(26) HATTER LANE SHARED ZONE

Hatter Lane is to be designed as a shared zone. Details of the design including typical cross sections are to be provided with the Stage 2 application.

The design should be developed in consultation with the City Infrastructure and Traffic Operations Unit, and guided by the RMS guidelines for Shared Zones.

Given the length of the shared zone appropriate traffic calming features will be required every 30m along the length. Council encourages the use of traffic calming features which promote the horizontal deflection of vehicles and discourages the use of speed humps where possible

Note: The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval. The plan must be approved in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate for the Stage 2 development application.

Note: RMS shared zone policy and guidelines can be found on their website.

(27) DUNKERLEY PLACE DESIGN

The design of Dunkerley Place is to be undertaken in consultation with Council's City Infrastructure and Traffic Operations team.

The road alignment is to be consistent with the western section of Dunkerley Place which is currently being delivered as part of the 1-2 Sydneygate development.

Provisions for vehicle turning and service vehicle access to the park need to be accommodated in the design at the eastern end of Dunkerley Place.

The area currently shown within the turning head at the eastern end of Dunkerley Place is to be tightened to help restrict vehicle speeds. The design should allow for a B99 vehicle to carry out a smooth turn in one movement, whilst larger vehicles should be able to perform a three point turn in order to turn around.

(28) LEFT IN ONLY ARRANGEMENT AT O'DEA AVENUE / HATTER LANE

The provision of a median at the intersection of O'Dea Avenue and Hatter Lane to restrict vehicle movements to a left in arrangement will be considered as part of the Stage 2 Development Application.

A preliminary design is to be submitted with the Stage 2 Development Application, complete with swept paths of two buses passing the median simultaneously.

The dimensions for which vehicles to use will need to be obtained from the STA. These swept paths must be submitted to Council for review, they will then be sent from Council to the STA for comment.

Once Council and the STA are satisfied the plans will then require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee for endorsement.

The design must also include details to address how the overland flow will be managed as a result of the median.

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

(29) SECTION 116 OF THE ROADS ACT 1993

The proposed median at the intersection of O'Dea Avenue and Hatter Lane will prohibit existing traffic movements. This requires section 116 of the Roads Act 1993 to be satisfied.

This requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.

The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.

Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.

This process must be completed prior to any approval for the construction of the median being granted.

The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.

The Section 116 process can happen concurrently with the process to approve the median design.

(30) ASSOCIATED ROADWAY COSTS

All costs associated with the design and 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 Code".

(31) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Stage 1 DA plans are indicative only and have not been approved by this consent.
- (b) Alignment levels for the building and site frontages must be submitted as part of the Stage 2 DA. 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) 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.

(32) 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".

(33) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

The recording must include clear images of the 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.

(34) PUBLIC DOMAIN PLAN

The Indicative Public Domain Plan accompanying the Stage 1 DA has not been approved by this consent.

- (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 the Stage 2 Detailed DA. 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, Sydney Streets Technical Specification and Lachlan Precinct Civil Design Plans 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.

(35) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) The applicant is to demonstrate by means of a hydraulic model submitted to Council as part of the Stage 2 Detailed DA that the proposed stormwater discharge through an on-site detention system from the site into the City's underground stormwater system can cope with the additional concentrated flow as a consequence of 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 requirements of Sydney Water for the on-site detention must be submitted as part of the Stage 2 Detailed DA.
- (c) A stormwater quality assessment is to be submitted as part of the Stage 2 detailed DA in accordance with the relevant DCP requirements. 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%.

(36) 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 Code and Sydney Streets Technical Specification.

(37) 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 any Stage 2 consent.

(38) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design 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. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design of all road works shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Public Domain Manual and the Civil Design Plans for Lachlan Precinct. Detailed plans for the works shall be prepared and submitted to Council as part of the Stage 2 Detailed DA. 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) 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, traffic calming devices, the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;

- (iii) 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.

(39) 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.

(40) STORMWATER DRAINAGE SYSTEM DESIGN

The design of the stormwater drainage system shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Public Domain Manual and the Civil Design Plans for Lachlan Precinct. Detailed plans for the works shall be prepared and submitted to Council as part of the Stage 2 Detailed DA. The stormwater drainage design shall include at a minimum plans and longitudinal sections showing drainage pits and pipes locations, invert levels of pits, pipe sizes, hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity direction of overland flow and connections to the existing piped drainage system.

(41) STREETSCAPE

Streetscape design and documentation for all existing and new streets associated with this development is to be prepared generally in accordance with the City's Sydney Streets Code and draft Sydney Lights Code, and the newly constructed Dunkerley Place public domain works including timber decks, stormwater and subsoil drainage, dolphin kerb works, civil infrastructure, lighting and planting works.

Street tree planting to existing and new streets shall be in accordance with the City's Street Tree Master Plan 2011. Street trees shall be planted at minimum 200L pot sizes with a 4m long x 2m wide structural soil chamber beneath proposed pavement areas. A tree 'procurement' strategy with a reputable nursery shall be required to ensure the availability of suitable advance species (minimum 200L) at the time of implementation of the development.

Planting to central raingardens shall be minimum tubestock and include the following species selection:

- (a) *Baumea juncea* (Bare Twig Rush)
- (b) *Carex fascicularis* (Tassel Sedge)
- (c) *Cyperus involucratus* (Umbrella Plant)
- (d) *Dianella longifolia* (Smooth Flax Lily)
- (e) *Gahnia clarkei* (Tall Saw-sedge)
- (f) *Juncus pallidus* (Giant Rush)

- (g) *Lepyrodia mulleri* (Scale-rush)
- (h) *Lomandra longifolia* (Spiny headed Matt-Rush)
- (i) *Poa labillardieri* (Tussock Grass)
- (j) *Restio tetraophyllus* (Tassel Cord-Rush)

(42) STREET AND PEDESTRIAN LIGHTING

The applicant shall design a system of underground street and pedestrian lighting along all roads, footpaths and within the new park in accordance with Council and Ausgrid standards. Detailed lighting plans shall be prepared by a suitably qualified Electrical/Lighting Engineer in accordance with Council's and Ausgrid's specifications and comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting plans shall be submitted to Council as part of the Stage 2 Detailed DA.

The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaries, fixtures and category for street lighting, pedestrian lighting and feature lighting.

The detailed plans and supporting documentation shall conform to the following design criteria:

- (a) Lighting in laneways and pedestrian pathways to comply with AS1158.3.1 Category P2;
- (b) Lighting in all footpaths and the new public roads to comply with AS1158.3.1 Category P2; and
- (c) The through traffic road, O'Dea Avenue, shall be illuminated to comply with AS1158.3.1 Category V3.

(43) ROPE WALK

The Indicative Landscape Plan for the Rope Walk accompanying the Stage 1 DA has not been approved by this consent.

The design of the Rope Walk shall be generally consistent with The Rope Walk Stage 3 Concept Plan Dwg No. CD/CPT001 prepared by City of Sydney dated 6 June 2014 and the adjacent newly completed section of Rope Walk to the north.

The park shall provide continuous accessible paths of travel between the O'Dea Avenue, Dunkerley Place, the Through Site Link of 30-36 O'Dea Avenue and the park to the north in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage.

No obstructions relating to the adjacent buildings such as access ways or service vents are permitted within the park. The park shall not be ramped to provide access to the buildings. Any required access to property shall be

achieved through ramping or stairs within the property boundary and not within the public land.

The applicant shall provide a fully automatic irrigation system to all landscape areas and turf. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.

Planting layout and massing for landscaped areas shall be in accordance with the following (unless determined otherwise by Council):

Material Mature	Height	Minimum Spacing Minimum	Pot Size
Trees	Varies	Varies	100L (min. 2.0m high)
Tall Shrubs	> 1.5m high	3-6 per sq.m.	10L
Shrubs	600mm-1.5m high	4-7 per sq.m.	5L pot
Groundcovers	<500mm high	5-10 per sq.m.	150mm pot

Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures in accordance with the City's policies.

The detailed design of the park shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Parks Manual and the Public Domain Manual. A detailed Landscape Plan for the Rope Walk, drawn to scale, by a landscape architect or approved landscape consultant, shall be prepared and submitted to Council as part of the Stage 2 DA.

The Landscape Plan must include:

- (a) Location of existing and proposed structures on the site including existing trees (if applicable).
- (b) Levels and grading demonstrating the connection with the adjoining park, roads, footways, entryways and through site links.
- (c) Details of earthworks including mounding and retaining walls (including below ground) and planter boxes.
- (d) Location and extent of the culvert and other relevant services that will restrict root growth of trees.
- (e) Details of paving materials.
- (f) Locations, spacing and type of plant species.
- (g) Location and numbers of street furniture.
- (h) Details of lighting.
- (i) Details of drainage, irrigation systems and waterproofing details (as applicable).

The landform and embankments proposed for the parks shall ensure ease of maintenance (typically 1:6 maximum slope).

The proposed fig tree planting to the western edge of the park shall be planted at a minimum 400 litre pot size and established in a planting environment conducive to their large vigorous root systems, buttressed trunks, height and width. The applicant shall provide a minimum soil chamber of 2.0m wide x 4.0m long. Spacing of the fig trees shall be consistent with those planted in the completed sections of the park.

The public domain pathway along the western edge of the park bounding private property shall be consistent with that in the northern park, a Class 1 Durability timber deck consisting of native plantation timbers from a source approved by the New South Wales Department of Primary Industries. The framework shall be galvanised steel.

(44) WASTE COLLECTION

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

(45) ELECTRICITY SUBSTATIONS

Details of a suitable area that meets the locational requirements for multiple electricity substations is to be provided with the Stage 2 application.

(46) SYDNEY WATER ASSETS

It is recommended that the applicant discuss any Stage 2 design with Sydney Water to identify any Notice of Requirements that may significantly affect the Stage 2 design.

SCHEDULE 2

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

SCHEDULE 3

ADVISORY TERMS OF APPROVAL

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

General

- (47)** 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.

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

Prior to excavation

- (50) 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.
- (51) 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.
- (52) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (53) 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.
- (54) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- (55) 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

- (56) 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.

- (57) 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.
- (58) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- (59) 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.
- (60) 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.
- (61) 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

- (62) 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.

SCHEDULE 4

AIRPORT CONCURRENCE

- (63) Any Stage 2 DA must comply with the conditions contained within the Department of Infrastructure and Regional Development decision dated 26 June 2014.

Carried unanimously.

**ITEM 5 SECTION 96(2) APPLICATION: UNIT 35-35B/1A COULSON STREET
ERSKINEVILLE (D/2012/1823/A)**

Note – A memo dated 3 December 2014 from the Director City Planning, Development and Transport, Relevant to Item 5 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee

Moved by Councillor Mant, seconded by Mr Poulet -

It is resolved that consent be granted to Section 96(2) Application No. D/2012/1823/A, with the following conditions of development consent No. D/2012/1823 being amended as set out below, with amendments shown in **bold italics** (additions) and ~~striketrough~~ (deletions):

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/2012/1823 dated 27 November 2012 and the following drawings prepared by DKO Architecture:

Drawing Number	Drawing Name	Date
SK200	Stage 1 DA Envelope Plan	11 February 2014
SK200a	Stage 1 DA Envelope Sections	11 February 2014
<i>10731/S96/2001</i>	<i>Revised Stage 1 DA Envelopes</i>	<i>26 September 2014</i>
<i>10731/S96/2002</i>	<i>Revised Stage 1 DA Envelope Sections</i>	<i>26 September 2014</i>

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.

Amendment A

(2) NO SUBDIVISION

No subdivision of land has been granted with this development consent.

(3) DETAILS TO BE PROVIDED WITH FUTURE DEVELOPMENT APPLICATION

The future Stage 2 Development Applications must address compliance with:

- (a) Stage 1 building envelopes;
- (b) SEPP 65 - Design Quality of Residential Flat Development, and the provisions of the Residential Flat Design Code; and
- (c) Subdivision of land.

(4) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Acoustic Logic Ref 20130150.1 dated 11 June 2013.

(5) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by the Director City Planning, Development and Transport prior to any works commencing.

(6) USE OF INTRUSIVE APPLIANCES - TIME RESTRICTION.

- (a) The operation of high noise intrusive plant and machinery such as pile-drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" is restricted to the hours of:
 - 8:00am -12:00pm and 1:00 pm - 4:30pm Mondays to Friday
 - 9am - 1pm on Saturdays
 - 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.

(7) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(8) VEHICLE FOOTWAY CROSSING

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

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

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

(9) DEWATERING

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

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

(9A) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement, as detailed in the letter of offer submitted by the Applicant, shall be prepared by Council and placed on public exhibition and shall be executed and submitted to Council prior to the determination of any Stage 2 Development Application for the detailed design for the site.
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
- (c) The Voluntary Planning Agreement, as executed, must be registered on the Title of the Land.

SCHEDULE 1B**PRIOR TO CONSTRUCTION CERTIFICATE/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.

(10) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

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

The site notice board must include the following:

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

(11) 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 Department of Environment Climate Change and Water (DECC) Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes.
- (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.

(12) REMEDIATION

- (a) The site is to be remediated and validated in accordance with the report prepared by Environmental Investigations Ref N E1795.1 AB dated 2 October 2013 and the letter of Interim Advice ref EN04234 prepared by Dr Ian C Swane dated 4 October 2013.
- (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.

(13) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the 'Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008)'. The classification of the material is essential to determine where the waste may

be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste, advice should be sought from the EPA.

(14) 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 Managers of the City Rangers and the Manager of Health & Building for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out, and who may be contacted should any complaints concerning offensive noise and vibration be received.

(15) 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.

(16) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 103.5 lineal metres of the Asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(17) FLOOD LEVELS

- (a) The design of the ground floor levels is to be equal to or above the 1 in 100 year flood level + 500mm freeboard.

- (b) The minimum habitable floor levels must be 9.3m AHD in the north-west of the site to 9.2m AHD in the south-east (1 in 100 flood event + 500mm freeboard).
- (c) The design of ground floor levels must also take account of any entry/s to the basement car park level (including driveway ramps, lift shaft openings, services risers, stairwells, and any other openings etc.). The levels required in these instances must satisfy the Probable Maximum Flood (PMF) level/s and must be designed accordingly. The minimum level for such entry points must be **9.95m AHD** ~~10.0m AHD~~ in the north-west of the site to 9.8m AHD in the south-east (PMF level).

(18) ALIGNMENT LEVELS

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

(19) PUBLIC DOMAIN PLAN

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

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

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

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

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

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

(20) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(21) 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).

(22) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Detailed design and construction documentation for the proposed public road system shall include all necessary liaison with public utility authorities, the RTA, Council, the Sydney Traffic Committee and its nominated consultants in order to achieve design approvals and construction compliance.

- (b) The design and construction of all road works shall be undertaken in accordance with Council's Sydney Streets Technical Specifications (version 2:22.3.2013). Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate. 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) Typical road cross sections showing road and footway widths, pavement configuration, batter slopes, retaining walls (engineered) kerb and gutter types;
 - (iii) Plan and longitudinal section of the public road showing gutter invert, kerb and boundary alignments of the existing and proposed future public road network and all public utility services (existing and proposed);
 - (iv) Drainage plan and schedule of drainage elements with any special pit requirements;
 - (v) Drainage profiles and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, class, pipe grades, velocity;
 - (vi) Standard engineering and structural details plan;
 - (vii) Road cross sections and longitudinal sections to include pedestrian kerb ramps;
 - (viii) Road pavement design structure, kerb and gutter, drainage works, traffic and pedestrian signage, and any necessary minor works and matching adjustments;
 - (ix) Footpaths, pedestrian and bicycle facilities, street lights and street trees and other associated verge works;
 - (x) Adjustments/upgrades to utility services as required;
 - (xi) Intersection layout details including line marking, pavement marking and signposting;
 - (xii) Erosion and sedimentation control plans.
- (c) Note: 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.

(23) SYDNEY AIRPORT CORPORATION

- (a) The height of the development must not exceed 38.8m above Australian Height Datum (AHD), inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- (b) Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24m) above the existing ground level (AEGH), a new approval must be sought in accordance with the Civil Aviation (Building Control) Regulations Statutory Rules 1988 No. 161.
- (c) Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and, consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Any approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

Information required by the Sydney Airport Corporation prior to any approval is to include:

- (i) The location of any temporary structure or equipment, i.e., construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- (ii) The swing circle of any temporary structure/equipment used during construction;
- (iii) The maximum height relative to Australian Height Datum (AHD), of any temporary structure or equipment, i.e. construction cranes, intended to be used in the erection of the proposed structure/activity; and
- (iv) The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information should be submitted to the corporation at least 35 days prior to the commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293.

(24) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

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

The following conditions apply to the development:

- (a) Demolition and/or excavation must not commence until documentary evidence has been provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne

by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (b) Without limiting the generality of paragraph (a), the Deed must provide for:
- (i) A bank guarantee to be provided in the sum of \$1,850,000 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,850,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events, namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

- (c) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (b) (iii) to take place on the site; and
 - (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (d) The Deed may, if the Director City Planning, Development and Transport is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
 - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the development to street level, including sealing of the slab at that level.
 - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the development to the roof level.
 - (iii) Stage 3 - Issue of the Final Occupation Certificate.
- (e) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from an accredited certifier) that the relevant stage is complete; and
 - (ii) Detailed schedule of completed works carried out in the relevant stage.
- (f) Quantity Surveyor's costing of the likely site rectification works required at each remaining stage.

(26) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:
 - (i) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

(27) ROAD OPENING PERMIT

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

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

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;

- (b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(29) 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.

(30) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifying Authority including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, are to be displayed on the site notice; and

- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(31) 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.

(32) 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.

(33) 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.

(34) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) 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.

(35) 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.

(36) PROTECTION OF STREET TREES DURING CONSTRUCTION

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

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

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 Department of Primary Industries – Office of Water, are as follows:

General

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

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring

from the date of consent until at least two months after the cessation of pumping shall be included in the report.

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

During excavation

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

14. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
15. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

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

Carried unanimously.

**ITEM 6 DEVELOPMENT APPLICATION: UNIT 35-35B/1A COULSON STREET
ERSKINEVILLE (D/2014/912)**

Note – A memo dated 4 December 2014 from the Director City Planning, Development and Transport, Relevant to Item 6 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee

Moved by Ms Trainor, seconded by Mr Keary -

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012, the consent authority award 10% additional floor space to the development as the proposal exhibits design excellence;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/912, subject to the following:

(1) PLANNING AGREEMENT

Prior to activation of this consent:

- (a) The Voluntary Planning Agreement, prepared by Council and placed on public exhibition on 21 November 2014, shall be executed and submitted to Council;
 - (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
 - (c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent; failing which this deferred development consent

will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;

- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2014/912, dated 27 June 2014, and the following drawings:

Drawing Number	Architect	Date
3003/B Basement Plan	dKO	26/09/14
3004/B Level 1 Plan	dKO	26/09/14
3005/B Level 2 Plan	dKO	26/09/14
3006/B Level 3 Plan	dKO	26/09/14
3007/B Level 4 Plan	dKO	26/09/14
3008/B Level 5 Plan	dKO	26/09/14
3009/B Level 6 Plan	dKO	26/09/14
3010/B Roof Plan	dKO	26/09/14
4001/B North/East Elevations	dKO	26/09/14
4002/B South/West Elevations	dKO	26/09/14
4003/B Internal Elevations E05 E06	dKO	26/09/14
4004/B Internal Elevations E07 E08	dKO	26/09/14
4005/B Internal Elevations E09 E10	dKO	26/09/14
5003/B Section Details	dKO	26/09/14

Drawing Number	Architect	Date
7001/A GFA Plans	dKO	18/06/14
Stage 1 Subdivision Plan	CitiSurv	11/11/14
Stage 2 Subdivision Plan	CitiSurv	11/11/14

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) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition 1 are to be complied with.

(3) POSITIVE COVENANT

- (a) Prior to the issue of the first Occupation Certificate, the owner of the site is to obtain registration on Title of the land of a Positive Covenant appurtenant to Council, and to Council's satisfaction.
- (b) The Positive Covenant is to be created in terms requiring the registered proprietor of the land, at the time, and upon request by Council to do all things necessary, including execution of all relevant documents and instruments to obtain termination and extinguishment of the rights currently possessed over the existing Right of Carriageway and Easement for Services 8 wide and variable, created by DP788543 within adjoining Lot 2 DP 788543, and the existing Right of Carriageway and Easement for Services 6.77 wide created by DP788543 within adjoining SP 36655.
- (c) The above action cannot be initiated by Council until such time as the construction of the full width of Zenith Street has been completed and dedicated as public road, for its full frontage to the subject site.

(4) TRANSFER OF LOT 104 TO COUNCIL

Prior to the issue of the first Occupation Certificate for the development, Lot 104 in the Stage 1 Plan of Subdivision is to be transferred into Council's ownership and evidence of the issue of the Title of that lot in the City of Sydney is to be submitted to Council's Director City Planning, Development and Transport.

(5) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by dKO dated 19 June 2014.

(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.

Details of screening to all roof-top plant, including external colours and finishes are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a construction certificate.

(7) WINDOW OPENINGS IN SLOT FACADE

- (a) The proposed window openings located in the slots on the facades 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 required for cross ventilation 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.

(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) GROSS FLOOR AREA

The following applies:

- (a) The total Gross Floor Area of the development is 15,279m² as calculated in accordance with the definition contained within the Sydney Local Environmental Plan 2012.

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

(10) BUILDING HEIGHT

- (a) The height of the building must not exceed the following:

	RL to the parapet of the building	RL to the top of plant
North Building (cores C and D)	20.6	N/A
East Building (cores D and E)	30.0	30.50
South Building (cores A and F)	30.0	30.35
West Building (cores A and B)	30.0	31.60

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

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$433,861.70
Public Domain	\$267,233.79
New Open Space	\$2,082,224.79
New Roads	\$528,826.19
Accessibility	\$21,933.56
Management	\$23,715.24
Total	\$3,357,794.60

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation.

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

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

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

(12) 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 Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species (and NATSPEC – see below);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing 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.

(13) LANDSCAPED (GREEN) WALLS

- (a) A detailed plan of the green walls, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) A Design Statement that includes details of proposed use of the green walls, general accessibility, a description of the environmental parameters it sets out to address, including noise and privacy treatment and performance specification.
 - (ii) Survey Plans showing existing and proposed services and engineering details of existing walls proposed to be retrofitted.
 - (iii) Location of existing and proposed structures and hard landscaping on the walls, retaining walls, and roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species and those specified for use by the City of Sydney.
 - (v) Details of installation methodology including structural reinforcement.
 - (vi) 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 shall be produced to Council on request. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification; and

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

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

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

(14) 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) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(15) 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.

(16) TREES APPROVED FOR REMOVAL

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

Tree No:	Botanical Name / Common Name
1, 2, 7-12	Corymbia citriodora (Lemon Scented Gum)
3a, 4a,	Sorbus spp. (Rowan Tree)
4b	Pittosporum undulatum (Native Daphne)
6a	Cotoneaster spp. (Cotoneaster)
6b	Callistemon spp. (Bottlebrush)

- (c) Reference should be made to the Development Impact Assessment Report prepared by 'Earthscape' dated June 2014 for tree numbering and locations

(17) TREES THAT MUST BE RETAINED

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

Tree No:	Botanical / Common Name
3-6	Corymbia citriodora (Lemon Scented Gum)

- (c) Reference should be made to the Development Impact Assessment Report prepared by 'Earthscape' dated June 2014 for tree numbering and locations

(18) COMPLIANCE WITH ARBORIST'S REPORT

All recommendations contained in the Development Impact Assessment Report prepared by 'Earthscape', dated June 2014, must be implemented during the demolition, construction and use of the development, including the following.

(19) 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 any excavation and trenching within the Tree Protection Zone.
 - (iii) During any Landscape works within 5 metres of the trunk of any tree listed for retention.
- (b) A quarterly Arboricultural compliance report shall be submitted to Council which provides details on the health and structure of tree to be retained and protected and must include:
 - (i) Certification of compliance with each key milestone
 - (ii) Details of any other works undertaken on any tree to be retained or within TPZ/s
 - (iii) documentary evidence of compliance with tree protection and measures (including photographs and site notes).

(20) STREET TREE PLANTING AND MAINTENANCE

- (a) Landscape Plan indicating the location of the street trees to be planted in association with the development must be submitted to and approved by Council prior to the issue of the Construction Certificate.
- (b) All new Street trees must be located and planted in accordance with the City's Street Tree Master Plan and must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(21) 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:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $LA_{90, 15 \text{ minute}}$ 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 or commercial premises provided that:
 - (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW Industrial Noise Policy and Australian

Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(22) 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.

(23) 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.

(24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(25) 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.

Car Parking Type	Number
Residential spaces	98
Accessible residential spaces	29
Residential visitor spaces	12
Accessible residential visitor spaces	1
Motorcycle parking	3(a)
Subtotal	143
Car wash bay	1
Loading dock vehicle	1(b)
Total	145

Note:

- (a) One (1) car parking space is equivalent to four (4) motorcycle parking spaces. The area equivalent to 3 car parking spaces is to be provided to accommodate parking for 12 motorcycles.
- (b) The loading dock is to accommodate Council's standard waste vehicle.

(26) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided as shown in plan 10731/DA/3003 (revision B).
- (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.

(27) PEARL STREET VEHICLE ACCESS

- (a) The Pearl Street vehicle access is to be constructed in-line with the design principles of a continuous footpath treatment.
 - (i) The grade of the footpath is to continue across the vehicular crossing.
 - (ii) The layback is to be design and constructed so that the back of the layback matches the continuous grade of the footpath.
 - (iii) The vehicular crossing is to match the surface characteristics of the surrounding footpath.
 - (iv) The vehicular crossing pavement is to be constructed as per the City's design specifications (i.e. sub-base, concrete strength, thickness and reinforcement).
- (b) The details must be submitted to and approved by Council prior to the Construction Certificate being issued.

(28) LOADING DOCK SCHEDULE/REGISTER

The on-site loading dock is also to be available for all residents for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing residents when they can use the dock, or by a register managed on site to allow residents to reserve a time period for their deliveries. This information is to be made available to all residents.

(29) GREEN TRAVEL PLAN

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

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

(30) SMALL CAR PARKING SPACES

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

(31) 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".

(32) BICYCLE PARKING

- (a) The minimum number of bicycle parking spaces to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	197	Spaces must be a combination of class 1 bicycle lockers ⁽¹⁾ and class 2 facilities.
Residential visitor	20	Spaces must be Class 3 bicycle rails

Note:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 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.

(38) PARKING ON COMMON PROPERTY AREAS

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

(39) 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.

(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) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.9m.

(42) 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.

(43) 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.

(44) TRAFFIC WORKS

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

(45) VEHICLE FOOTWAY CROSSING

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

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

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

(46) VEHICLES AWAITING REPAIR

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

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, 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.

(49) 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.

(50) GEOTECHNICAL REPORT AND CERTIFICATION

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

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

- (a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in Condition (47) above cannot be achieved, an alternative 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) Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend the development approved in this consent.

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

(52) 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.

(53) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

(54) BASIX

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

(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(56) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence, whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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

The site notice board must include the following:

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

(57) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (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.

(58) 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.

(59) 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.

(60) 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.

(61) 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.

(62) 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.

(63) 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.

(64) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(65) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(66) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Acoustic Logic dated 22/05/2014.

(68) COMPLIANCE WITH THE ACOUSTIC REPORT & ADDITIONAL REPORTING & CERTIFICATION REQUIREMENTS PRIOR TO CONSTRUCTION AND OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic, dated 11/05/2014, ref 20140549.1/1105A/RO/BW, titled must be certified as implemented during the detailed design stage prior to the construction and again verified prior to the commencement of the use of the premises in accordance with requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of The DA Report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA – or other specified authority) which addresses the following requirements:
 - (i) All recommendations outlined in the Part 5.3 Recommendations of the report above.
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA or other authority as given in (b) above that the development complies with the requirements set out in The Report and in (a) and (b) above.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(69) 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.

(70) 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).

(71) 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.

(72) 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".

(73) PUBLIC DOMAIN PLAN - MODIFICATIONS

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

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

(74) 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.

(75) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) 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, 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 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.

(76) 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.

(77) 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.

(78) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heel guard 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.

(79) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 100 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.

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.

(80) 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;
 - (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.

(81) 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 Sydney Streets Technical Specification and the Public Domain Manual. 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) 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;
- (iii) 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;
- (iv) 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. 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. The location of public utility services;
 - 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. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;
 - ix. 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 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.

(82) 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.

(83) 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.

(84) 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.

(85) 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.

(86) 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).

(87) 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.

(88) ELECTRICITY SUBSTATION

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

(89) TELECOMMUNICATIONS PROVISIONS

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

(90) 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.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(91) 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.

(92) 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.

(93) 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.

(94) 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:

8:00am - 12:00pm and 1:00pm - 4:30pm Mondays to Friday
9:00am – 1:00pm on Saturdays
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.

(95) 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.

(96) 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.

(97) 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.

(98) 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.

(99) 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.

(100) 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.

(101) 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.

(102) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(103) 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.

(104) 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.

(105) 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.

(106) 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.

(107) 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 1D**Subdivision Conditions****STAGE 1****(108) PLANNING AGREEMENT COMPLIANCE**

The final Plan of Subdivision is to be consistent with the registered Planning Agreement (VPA) for the development, and in accordance with Section 109J(1)(c1) of the Environmental Planning and Assessment Act 1979, the final Plan of Subdivision is not to contravene or compromise a provision of the VPA that by its terms is to be satisfied prior to issue of the Subdivision Certificate.

(109) SUBDIVISION CERTIFICATE

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

(110) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from the Sydney Water Corporation and submitted to Council.

Application must be made through an authorised Water Servicing Coordinator. 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 132092 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. It is advised to make early contact with the Coordinator, since the construction of sewer/water infrastructure can be time consuming and may impact upon other services and building works.

(111) TRANSFER OF LOT 104 TO COUNCIL

Prior to the issue of the first Occupation Certificate for the development, Lot 104 in the Stage 1 Plan of Subdivision is to be transferred into Council's ownership and evidence of the issue of the Title of that lot in the City of Sydney is to be submitted to Council's Director City Planning, Development and Transport.

(112) FUTURE DEDICATIONS AND TRANSFER

The final Plan of Subdivision is to include notation to the effect that:

- (a) Lot 101, Lot 102 and Lot 103 are reserved for future dedication as Public Road.
- (b) Lot 104 (partially in stratum) is to be transferred into Council's ownership in Fee Simple for future public purposes.

(113) EASEMENT FOR SUPPORT

The final Plan of Subdivision is to include the creation of a documentary Easement for Support over the part of Lot 100 containing an area of 122 m² below Lot 104 above, pursuant to Section 88B of the Conveyancing Act 1919. The easement is to burden Lot 100 in stratum, is to be created appurtenant to Lot 104, in terms granting rights of lateral and subjacent support of the land being that part of Lot 104 above, and to Council's satisfaction.

(114) POSITIVE COVENANT

The final Plan of Subdivision is to include the creation of a documentary Positive Covenant in association with the Easement for Support, pursuant to Section 88B of the Conveyancing Act 1919. The covenant is to burden Lot 100, appurtenant to Council, and is to include all terms considered necessary to protect the interests of Council and the public with regard to the maintenance of Support of the part of Lot 104 above, such land to be acquired for future public purposes, and created to Council's satisfaction.

(115) STRATA SUBDIVISION

Any proposal to Strata subdivide Lot 100 in the subdivision will require separate applications to obtain Development Consent from Council or a Complying Development Certificate from an appropriately accredited certifier and subsequent approval of the Strata Plan and issue of the Strata Certificate by Council or an accredited Strata certifier under the Strata Schemes (Freehold Development) Act 1973.

Any such Strata subdivision is to include the creation of appropriate Restrictions on Use of Land, pursuant to Section 88B of the Conveyancing Act 1919, to address prohibitions on use of car parking spaces, inappropriate use of basement level common areas, and prohibitions on short-term use of residential apartments, in accordance with the requirements and to the satisfaction of Council.

STAGE 2**(116) PLANNING AGREEMENT COMPLIANCE**

The final Plan of Subdivision is to be consistent with the registered Planning Agreement (VPA) for the development, and in accordance with Section 109J(1)(c1) of the Environmental Planning and Assessment Act 1979, the final Plan of Subdivision is not to contravene or compromise a provision of the VPA that by its terms is to be satisfied prior to issue of the Subdivision Certificate.

(117) SUBDIVISION CERTIFICATE

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.

(118) SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider) Compliance Certificate under the Sydney Water Act 1994 must be obtained from the Sydney Water Corporation and submitted to Council.

Application must be made through an authorised Water Servicing Coordinator. 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 132092 for assistance. Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. It is advised to make early contact with the Coordinator, since the construction of sewer/water infrastructure can be time consuming and may impact upon other services and building works.

(119) DEDICATION OF PUBLIC ROAD

The final Plan of Subdivision is to include the dedication as Public Road of the following parts of the site:

- (a) The 'Road Widening Variable Width' of Pearl Street.
- (b) The 'Road Widening Variable Width' of MacDonald Street.
- (c) The 'Road 6.9 Wide' (part of future Zenith Street).

(120) DESIGN AND CONSTRUCTION OF ROAD DEDICATION

Detailed engineering, road, drainage, infrastructure and landscaping works, design and construction plans for construction of the three road dedications and the temporary works associated with the upgrade of the existing Right of Carriageway over Lot 104 in the Stage 1 subdivision, are to be submitted to Council's Public Domain unit and approval gained prior to the issue of a Construction Certificate for those Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council's "Sydney Streets – Technical Specifications" and the "City of Sydney Public Domain Manual" or Council's civil works design and construction specifications current at the time and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage, infrastructure and landscaping works for the construction of the Subdivision Works, prepared and certified by a Professional Engineer. The design and construction plans are to be fully coordinated with the approved Public Domain Plan and Landscape Plan for the development and are to include confirmation that the design complies with Council's specifications and standards.

Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to compliance with the approved drawings, certification of compliance with

Council's specifications and applicable standards and the submission of certified Works as Executed drawings.

(121) PRINCIPAL CERTIFYING AUTHORITY FOR SUBDIVISION WORKS

A separate application is to be made to Council for appointment as Principal Certifying Authority for the Subdivision Works under Section 109E of the Act, and Council's appointment is to be obtained prior to the commencement of any such work on the site.

(122) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

A Construction Certificate is to be obtained from Council or an accredited certifier for the above Subdivision Works in accordance with Section 109C of the Act and submitted to Council prior to its appointment as the Principal Certifying Authority.

(123) SECTION 138 APPROVAL

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council to obtain approval under Section 138 of the Roads Act 1993 for those works.

(124) PUBLIC UTILITY SERVICE AUTHORITIES

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

(125) COMPLETION OF SUBDIVISION WORK & PUBLIC DOMAIN WORK

Prior to the issue of the Subdivision Certificate, all Subdivision Work, and associated Public Domain Work is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to exercise the provisions of Section 109J(2) of the Act with regard to any incomplete works.

(126) COMPLETION OF SUBDIVISION WORKS & PUBLIC DOMAIN WORKS

Prior to the issue of an Occupation Certificate for the development, all Subdivision Work, including any such work subject to a bond under Section 109J(2) of the Act, is to be completed in accordance with the requirements and to the satisfaction of Council.

SCHEDULE 2

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

SCHEDULE 3

Terms of Approval

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

General

1. An authorisation shall be obtained from NSW Office of Water 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 in the authorisation.
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 in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves 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. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for 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 parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of

results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

8. The method of disposal of pumped water shall be nominated (i.e. reinjection, 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 (sometimes referred to as "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). 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 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. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. 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.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. 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 sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. 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.

16. 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 procedures.

Following excavation

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

Carried unanimously.

ITEM 7 SYDNEYGATE MASTERPLAN AMENDMENT AND DEVELOPMENT APPLICATION: 2 SAM SING STREET, WATERLOO (FORMERLY 2B ARCHIBALD AVENUE WATERLOO) (M/2014/2 and D/2013/1995)

Note – A memo dated 3 December 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 Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Masterplan amendment M/2014/2 be endorsed by deleting Term 5 from the Masterplan (U03/00828):

- (5) ~~**PERCENTAGE OF NON-RESIDENTIAL FLOOR SPACE ACROSS THE WHOLE MASTERPLAN**~~

~~**The percentage of Gross Floor Area across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.**~~

- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, and only after public notification of the Masterplan amendment in accordance with clause 27F of South Sydney Local Environmental Plan 1998, a deferred commencement consent be granted to Development Application No. D/2013/1995, subject to the following conditions contained in Part A.

PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

- The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) AMENDED VOLUNTARY PLANNING AGREEMENT

- (a) That the second deed of modification to the registered Voluntary Planning Agreement is executed and submitted to council; and

- (b) The second deed of modification, as executed, must be registered on the title of the land in accordance with the amended Voluntary Planning Agreement.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
 - The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
 - Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent, as detailed in Part B (Conditions of Consent (Once the Consent is Operation)).

PART B

CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent as shown in Part B (Conditions of Consent (Once Consent is in Operation)) and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1995 dated 20 December 2013 (amended on 22 August 2014) and Statement of Environmental Effects prepared by JBA, dated November 2013 and supplementary letter dated 22 August 2014 and the following drawings:

Drawing Number	Architect	Date
DA05	Turner	21 August 2014
DA06	Turner	21 August 2014
DA07	Turner	21 August 2014
DA08	Turner	21 August 2014
DA09	Turner	21 August 2014
DA10	Turner	21 August 2014
DA11	Turner	21 August 2014
DA12	Turner	21 August 2014
DA13	Turner	21 August 2014
DA15	Turner	21 August 2014
DA16	Turner	21 August 2014
DA17	Turner	21 August 2014
DA18	Turner	21 August 2014
DA22	Turner	21 August 2014
DA23	Turner	21 August 2014
DA24	Turner	21 August 2014
DA25	Turner	21 August 2014
DA31	Turner	21 August 2014
DA32	Turner	21 August 2014
DA33	Turner	21 August 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) STAGED CONSTRUCTION

This consent allows the staging of works into the following 2 stages:

- (a) **Stage 1** – Early works – site establishment, excavation and remediation.
- (b) **Stage 2** – Construction works – balance of works.

(3) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Stage 2 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.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use must not exceed 4.4:1 calculated in accordance with South Sydney LEP 1998. For the purposes of the calculation of FSR, the total Gross Floor Area is 14,912sqm comprising of:
 - (i) retail component is 425sqm,
 - (ii) the child care centre component is 1,105sqm
 - (iii) residential component is 13,382sqm; and
- (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 South Sydney LEP 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 63.1 (AHD) to the top of the building (plant) and RL 58.25 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(6) MATERIALS AND SAMPLES BOARD

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

(7) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the amended planning agreement entered into in accordance with Deferred Commencement Condition (1) are to be complied with.

(8) CHILD CARE CENTRE FITOUT AND OPERATION - SEPARATE DA REQUIRED

- (a) A separate development application for the fitout and operation of the child care centre must be submitted to and approved by Council prior to that fitout or use commencing.

- (b) The future DA is to address the need for any safety barrier along the Lachlan Street frontage in accordance with any RMS requirements.

(9) HOURS OF OPERATION – RETAIL TENANCIES

The hours of operation of the individual retail tenancies is between 7.00am and 10.00pm Monday to Saturday and 7.00am and 8.00pm on Sunday or Public Holiday.

(10) USE OF COMMON AREAS AND FACILITIES

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

(11) SIGNS - SEPARATE DEVELOPMENT APPLICATION REQUIRED

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

(12) FLOOR TO CEILING HEIGHT

Prior to a Stage 2 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$339,319.28
Public Domain	\$209,001.11
New Open Space	\$1,628,488.48
New Roads	\$413,590.14
Accessibility	\$17,154.04
Management	\$18,547.47
Total	\$2,626,100.51

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

Contributions at Time of Payment = $C \times \text{CPI2} / \text{CPI1}$

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – June 2014.

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

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

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

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

In accordance with Clause 27P of South Sydney Local Environmental Plan 1998 (as amended) and prior to a Stage 2 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 and Environment to the value of the required contribution has been lodged. The contribution is \$2,417,441.10 based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area 1,674sqm, and for residential development at \$150.20 per square metre of total residential floor area 15,537sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted (1 March 2013 to 28 February 2014), the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

- (a) Applicants have two payment options:

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

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 and Environment.

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 and Environment.

- (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 and Environment. To arrange payment, contact the Housing Policy Team, NSW Department of Planning and Environment 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 2013 to 28 February 2014.

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

(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 South Sydney Local Environmental Plan 1998.
- (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 multiple dwellings as defined in South Sydney Local Environmental Plan 1998. 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) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(16) NUMBER OF ADULTS PER ROOM

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

(17) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than 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.

(18) STRATA SUBDIVISION

Any proposal to strata subdivide the building will require separate applications to obtain development consent or a complying development certificate for the proposal and subsequent issue of a strata certificate by council or an accredited strata certifier.

(19) SYDNEY AIRPORT CORPORATION APPROVAL

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

(20) OSD LOCATION

The location of the OSD tank depicted on drawing DA07 dated 21 August 2014 prepared by Turner is not approved. The future location of the OSD tank is not to be below Thread Lane.

(21) PHYSICAL MODELS

- (a) Prior to a Stage 2 Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to 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 modelers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the external appearance of the building.

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

- (a) Prior to a Stage 2 Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.

- (b) The data required to be submitted within the surveyed location must include and identify:
- (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

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

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

(23) 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.

(24) 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.

(25) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

(26) ALLOCATION OF PARKING

The maximum 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 Stage 2 Construction Certificate.

Car Parking Type (basement)	Number
Residential spaces	83
Accessible residential spaces	22
Residential visitor spaces	22
Accessible residential visitor spaces	2
Retail staff parking	3
Child care staff parking	2
Child care long term visitor parking	1
Motorcycle parking	10
Medium Rigid Vehicle loading dock(s)	1
Car Parking Type (Thread Lane)	
Child care drop off and pick up	7
Car Parking Type (either basement or Thread Lane)	
Service vehicle spaces	1

(27) 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".

(28) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	48	Spaces must be Class 2 bicycle facilities [1]
Employee	3	Spaces must be a Class 2 bicycle facilities
All visitors	14	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	3	

Notes:

(i) All visitor bicycle parking is to be provided at ground floor level.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Stage 2 Construction Certificate being issued.

(29) 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.

Note: This condition does not apply to changes along Thread Lane so long as it is a private road.

(30) CHILD CARE DROP OFFS AND PICK UP

- (a) Child care drop off and pick up spaces must be limited in duration to no more than 30 minutes at any one time.
- (b) The spaces must be clearly signposted with this time restriction and must not be used as unrestricted parking at any time.

(31) 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.

(32) 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.

(33) 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.

(34) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 2 Construction Certificate being issued.

(35) PARKING ON COMMON PROPERTY AREAS

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

(36) 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.

(37) 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.

(38) 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.

(39) 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.

(40) TRAFFIC WORKS

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

(41) VEHICLE FOOTWAY CROSSING

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

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

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

(42) RELOCATION OF LOADING BAY

The proposed loading bay that runs along Thread Lane, adjacent to the basement entry is to be deleted.

A loading area, suitable for accommodating a typical removalist van, is to be provided within the basement on Level 1.

Details of the proposed loading area, including a swept path analysis and revised basement level plans, are to be submitted to Council prior to a Stage 2 Construction Certificate being issued. The plans 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.

Note: Council would support a reduction in the number of visitor parking spaces to accommodate internal loading provisions.

(43) GREEN TRAVEL PLAN

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

Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission.

(44) TREES APPROVED FOR REMOVAL

- (a) Trees number 2 – 37 in the 'Tree AZ Assessment of Tree Health and Longevity (TreeAZ) and Fauna Habitat Value for Proposed Development by Becton' prepared by Anderson Environmental Pty Ltd dated June 2014 are approved for removal following issuing of the Construction Certificate.
- (b) All other trees detailed in the report shall be retained.

(45) ROADS AND MARITIME SERVICE CONDITIONS

- (a) The removal of the trees on the RMS land is to be undertaken in accordance with the conditions contained in the RMS letter to Becton dated 22 August 2014.
- (b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CSD 2124.

A plan checking fee will be payable and a performance bond may be required before the Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- (c) The developer is to comply with the requirements of Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime for assessment. The developer is to meet the fill cost of the assessment by the Roads and Maritime.

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.

(46) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the Building Code of Australia (BCA) relevant to the appropriate building classification.

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

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

(48) 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.

(49) 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.

(50) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(51) LANDSCAPING OF THE SITE

- (a) The submitted Landscape Plans are 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 Council's Area Planning Manager prior to the issue of a Stage 2 Construction Certificate for above ground building works. The plan must include:

- (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of tree species;
 - (iv) Tree planting in the carpark along Thread Lane shall be consistent with the provisions of Urban Vegetation detailed in the City's DCP 2012;
 - (v) Details of planting procedure and maintenance;
 - (vi) Details of drainage, waterproofing and watering systems.
 - (vii) Details of ground level soft landscaping in lieu of hard landscaping and the retaining wall between the northern boundary and building.
- (c) Prior to the issue of a Stage 2 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (d) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(52) STREET TREE PLANTING AND MAINTENANCE

- (a) A Landscape Plan indicating the location of the street trees to be planted along Sam Sing Street and in association with the development must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage 2 Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (b) The street tree(s) must be planted:
 - (i) by a qualified Arborist or Horticulturist (AQF Level 3); and
 - (ii) before the issue of an Occupation Certificate.
- (c) The tree pits must be inspected by Council's Contract Coordinator – Street Trees, before and after planting.
- (d) All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 2 or 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning,

fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

- (e) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
- (f) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

(53) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(54) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of 60 lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

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

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

(55) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

The recording must include clear images of the 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.

(56) 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.

(57) PUBLIC DOMAIN PLAN - MODIFICATIONS

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

- (a) An amended, detailed Public Domain Plan must be prepared by an architect, urban designer, landscape architect or engineer to document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual) and must show the following information as a minimum:
 - (i) Sam Sing Street frontage;
 - (ii) Bourke Street frontage; and
 - (iii) Thread Lane Through Site Link
- (b) The Public Domain Plan must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (c) The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

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

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

(58) 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.

(59) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) 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, 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 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.

(60) PRESERVATION OF SURVEY MARKS

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

Prior to the issue of a Stage 1 Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

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).

(61) 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.

(62) 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".

(63) SUBSURFACE DRAINAGE

Subsurface drainage systems shall be provided for all road formations, cuttings, the base and sub base of pavement layers. The design and construction of the subsurface drainage system shall be undertaken in accordance with City's Sydney Streets Technical Specification. 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 Stage 1 Construction Certificate. The plans shall include as a minimum the following information:

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 Stage 1 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.

(64) LACHLAN STREET FRONTAGE

- (a) The design of the Lachlan Street building frontage shall be co-ordinated with RMS' future Lachlan/McEvoy Street realignment.
- (b) Any works to the landscaped mound including excavation and construction of retaining walls required to achieve the design are to have regard for the retention of the existing trees and levels. Where necessary, a subsoil drainage system is to be provided to the retaining wall and connected to the City's Stormwater Drainage System in accordance with the City's Policies.
- (c) The ground floor setback to Lachlan Street is to maximise soft landscaping and where possible, provide a consistent grade with the future footway.
- (d) The proposed drainage design in the ground floor setback is to be revised to better integrate with the building façade and incorporation of soft landscaping.
- (e) The applicant is to obtain written approval from RMS for any proposed works to the landscape mound, the retaining wall and the Lachlan Street frontage. The written approval is to be submitted with the amended plans as per (f) below.
- (f) The above amendments are to be incorporated into the submission requirements for Landscaping of the Site and Stormwater Drainage – Major Development accompanied by the written approval from RMS.

(65) AIR CONDITIONERS IN CLASS 1 RESIDENTIAL BUILDINGS

For Class 1 residential buildings as defined by the National Construction Code, 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 that 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 ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be

measured as an $L_{Aeq, 15 \text{ minute}}$ and $L_{A90, 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

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

A site specific noise management plan shall be submitted to the Council for comment and approval prior to issue of a Stage 1 Construction Certificate.

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Northrop dated 7 August 2014.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP).

Such periods must be set and agreed to by Council's Health and Building Unit.

(68) COMPLIANCE WITH THE ACOUSTIC REPORT - ACOUSTIC ASSESSMENTS REQUIRED PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, Block A, Sydney Gate, Waterloo, 20120884.1, revision 1, dated 11th August 2014, Council Ref 2014/396559 ('The DA Report') must be certified as implemented during the detailed design stage prior to the construction and again verified prior to the commencement of the use of the premises in accordance with requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Stage 2 Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of The DA Report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA – or other specified authority) which addresses the following requirements:
 - (i) Section 4.1.1 City of Sydney Council DCP
 - (ii) Section 4.1.3 AS 2107 : 2000
 - (iii) Table 3 – Internal noise level criteria

- (iv) Section 5
 - (v) Table 5 – Glazing Construction
 - (vi) Table 6 – Minimum STC of Glazing
 - (vii) Section 5.1 Roof/Ceiling
 - (viii) Section 5.2 External walls
 - (ix) Section 5.3 External doors
 - (x) Section 5.4 Ventilation Requirements
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA or other authority as given in (b) above that the development complies with the requirements set out in The Report and in (a) and (b) above.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(69) 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:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW Industrial Noise Policy are applicable.

- (b) An $L_{Aeq,15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ 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 or commercial premises provided that:
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq,15 \text{ minute}}$ noise level and the $L_{A90,15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (v) Modifying factors in Table 4.1 of the NSW Industrial Noise *Policy* are applicable. Internal Noise measurements are not to be corrected for duration.

(70) EMISSIONS

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

(71) 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 manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.
- (f) Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Appendix F of the City of Sydney's Managing Asbestos Guidelines.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

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

(72) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(73) DISCHARGE OF CONTAMINATED GROUNDWATER

Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(74) IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(75) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by JBS&G Pty Ltd dated 12th November 2013 and referenced 42405-55860 and the Letter of Interim Advice prepared by Ms Kylie Lloyd, Zoic Environmental Pty Ltd dated 18th November 2013 and referenced 12069.05_Interim Advice 3. All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

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.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

(76) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(77) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the Environmental Planning & Assessment Act 1979 shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

(78) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

(79) AIR HANDLING

In the event of any process in any room being of such a nature that heat, excessive moisture, dangerous or noxious gases, fumes or other aerosols are given-off, an air handling system must be installed providing positive capture and removal of the effluents. The effluent must be discharged to atmosphere at a point that will not create a nuisance and located in a position complying with AS 1668.2.

(80) 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.

(81) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

(82) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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

(83) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2.
- (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 Stage 2 Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(84) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of a Stage 2 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) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Stage 2 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

UPON COMPLETION OF THE DEVELOPMENT

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

(86) 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.

(87) 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) 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.

(88) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(89) 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.

(90) 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 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 Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2011.

(91) 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.

(92) RAINWATER HARVESTING & RAINWATER TANKS

- (a) Use

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

- (b) Installation requirements
 - (i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500:2003. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
 - (ii) Rainwater tanks shall be designed to include, but not be limited to the following.
 - (iii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
 - (iv) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval be adjacent land owners.
 - (v) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.

- (vi) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vii) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (viii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (ix) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500 mm with the word 'RAINWATER' in contrasting colour, in accordance with AS 1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

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

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

- (xi) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.
- (c) Proximity to other services
- That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.
- (d) Marking and labelling
- (i) Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.

- (ii) Below ground distribution pipes shall be continuously marked 'RAINWATER' at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
 - (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.
- (e) Maintenance
- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
 - (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

(93) COMPLIANCE WITH CHILD CARE CENTRE ACOUSTIC REPORT – CERTIFICATION PRIOR TO CONSTRUCTION AND OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 30th May 2014, ref 20140607.1/3005A/R1/GC, entitled Proposed Childcare Centre at Block A, Sydney Gate, Waterloo – Environmental Noise Impact Assessment, Council Ref 2014/396557 ('The DA Report') must be certified as implemented during the detailed design stage prior to the construction and again verified prior to the commencement of the use of the premises in accordance with requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Stage 2 Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of The DA Report set out below. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority (PCA – or other specified authority) which addresses the following requirements:
 - (i) Section 4.3 Predicted Noise Levels
 - (ii) Table 6 – Predicted Outdoor Play Noise to Nearest Noise Receivers
 - (iii) Section 5 Indoor Teaching Noise Emissions

- (iv) Table 7 – Predicted Noise Levels from Indoor Play
 - (v) Section 6.1.1.3 Criteria by AAAC
 - (vi) Section 6.1.1.4 Summarised Indoor Noise Criteria
 - (vii) Table 9 – Summarised Indoor Traffic Noise Criteria
 - (viii) Table 11 – Measured External Traffic Noise Level
 - (ix) Section 7 Recommendation
 - (x) Section 7.1 Building Controls Points 1 – 6
 - (xi) Section 7.2 Management Controls – Signs reminding staff and visitors to minimise noise at all times shall be installed at entry and exit points from the child care centre. No music is allowed within outdoor play area. A noise management plan be implemented. The management plan shall include.
 - Ensure children are supervised at all times to minimise noise generated by children.
 - Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
 - Complaint(s) handling procedure.
- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA or other authority as given in (b) above that the development complies with the requirements set out in The Report and in (a) and (b) above.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.”

(94) ELECTRICITY SUBSTATION

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

(95) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of

broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Stage 2 Construction Certificate being issued.

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

(96) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Stage 1 Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(97) 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.

(98) 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.

(99) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (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).

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(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) 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.

(102) 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.

(103) 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.

(104) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(105) 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.

(106) 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.

(107) 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.

(108) 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.

(109) 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.

(110) BASIX

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

SCHEDULE 1D**(111) DEDICATION OF SAM SING STREET WIDENING**

The owners of the site are to dedicate the nominal 2m widening of Sam Sing Street to the public as road, vested in Council's ownership, for the full frontage of the site to that street, in accordance with the registered Planning Agreement for the development and free of cost to Council.

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision and issue of the Subdivision Certificate in accordance with the provisions of Section 109J of the Environmental Planning and Assessment Act 1979. Such Plan of Subdivision, for road dedication purposes only, is exempt from Development Consent and will not require the submission of a Section 73 Certificate from Sydney Water.

The widening is to be dedicated as public road prior to the issue of an Occupation Certificate for the development.

(112) RIGHT OF PUBLIC ACCESS

A documentary Right of Public Access Variable Width is to be created over the 'Through Site Link' on the eastern side of the proposed building, pursuant to Section 88B of the Conveyancing Act 1919. The Right of Public Access is to burden the affected part of the site, from Bourke Street to the existing Easement for Public Access Variable Width currently burdening the site and created by the registration of DP1172110 over the internal roadway known as Thread Lane, to extend the formal rights of public access from Sam Sing Street to Bourke Street, and is to be created appurtenant to and to the satisfaction of Council, prior to the issue of an Occupation Certificate for the development.

(113) POSITIVE COVENANT

A documentary Positive Covenant is to be created in association with the Right of Public Access, pursuant to Section 88B of the Conveyancing Act 1919. The covenant is to be created appurtenant to Council and in terms requiring the on-going maintenance, repairs, upkeep and lighting of the 'Through Site Link' within the site and is to include all terms considered necessary to protect the interests of Council and the public and to the satisfaction of Council, prior to the issue of an Occupation Certificate for the development.

(114) ROAD WIDENING CONSTRUCTION (SUBDIVISION WORKS)

Detailed civil works engineering design and construction plans for the Sam Sing Street widening formation are to be submitted to Council and approval gained prior to the issue of a Construction Certificate for those works. The design and documentation is to include any approvals from external parties such as public utility service authorities, if required, and is to be in accordance with Councils' civil works specifications and Public Domain Manual.

The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed footway formation, drainage, and landscape works for the construction of the road widening, prepared and certified by a practicing Professional Engineer and/or Landscape Architect and is to be fully coordinated with the approved public Domain plan for the development and is to be submitted to Council's Public Domain unit for approval.

Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate will be subject to compliance with the approved drawings, the specifications and Australian Standards and submission of certified Works as Executed drawings.

(115) CONSTRUCTION CERTIFICATE

A Construction Certificate is to be obtained from Council or an appropriately accredited private certifier for the above subdivision work and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(116) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of the Environmental Planning and Assessment Act 1979, a separate application is to be made to Council's Public Domain unit and Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work.

(117) SECTION 138 APPROVAL

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council for approval of those works under Section 138 of the Roads Act 1993.

(118) COMPLETION OF WORKS

Prior to the issue of the Subdivision Certificate for the widening dedication, the road widening works are to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority.

SCHEDULE 2

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

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

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

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

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

General

- (119)** 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.
- (120)** The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- (121)** Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

- (122)** 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.
- (123)** 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.
- (124)** A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (125)** 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.

- (126) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
- (127) 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

- (128) 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.
- (129) 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.
- (130) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- (131) 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.
- (132) 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.
- (133) 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

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

Carried unanimously.

ITEM 11 DEVELOPMENT APPLICATION: WALSH BAY ARTS PRECINCT CONCEPT PLAN (R/2014/21)

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

It is resolved that the Central Sydney Planning Committee (CSPC) endorse the key issues as detailed in the subject report, as representative of the views of the CSPC on the Walsh Bay Arts Precinct Development Application.

Carried.

ITEM 12 REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY (S040864)

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

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

Carried unanimously.

ITEM 13 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

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

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

Carried unanimously.

ITEM 14 PUBLIC EXHIBITION – 65-79 SUSSEX STREET SYDNEY - PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (S114123)

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal: 65-79 Sussex Street, Sydney shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: 65-79 Sussex Street, Sydney 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 2 December 2014 that Council approve Draft Sydney Development Control Plan 2012 – 65-79 Sussex Street, Sydney Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the Planning Proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 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 as amended by Planning Proposal: 65-79 Sussex Street, Sydney;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to make any minor variations to Planning Proposal: 65-79 Sussex Street, Sydney and Draft Sydney Development Control Plan 2012: 65-79 Sussex Street, Sydney Amendment following receipt of the Gateway Determination; and
- (F) the Central Sydney Planning Committee note that, following consideration of any submissions, and refinements as necessary, Planning Proposal: 65-79 Sussex Street, Sydney and Sydney Development Control Plan 2012: 65-79 Sussex Street, Sydney Amendment will be reported back to the Central Sydney Planning Committee for final approval.

Carried unanimously.

ITEM 16 PUBLIC EXHIBITION - 904 BOURKE STREET ZETLAND - PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (S113327)

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal: 904 Bourke Street, Zetland, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: 904 Bourke Street, Zetland, 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 2 December 2014 that Council approve draft Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the Planning Proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 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 the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: 904 Bourke Street, Zetland;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014 that Council delegate authority to the Chief Executive Officer to make any minor variations to Planning Proposal: 904 Bourke Street, Zetland and draft Sydney Development Control Plan 2012: 904 Bourke Street, Zetland Amendment following receipt of the Gateway Determination; and
- (F) the Central Sydney Planning Committee note that following consideration of any submissions, and refinements as necessary, Planning Proposal: 904 Bourke Street, Zetland and Sydney Development Control Plan 2012: 904 Bourke Street, Zetland Amendment will be reported back to the Central Sydney Planning Committee for final approval.

Carried unanimously.

ITEM 17 PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2015 (S108553)

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

It is resolved that the Central Sydney Planning Committee adopt the Schedule of Meetings and Briefings for 2015, as shown at Attachment A to the subject report.

Carried unanimously.

The Schedule of Meetings and Briefings for 2015, as adopted by the Central Sydney Planning Committee, is as follows:

2015 PROGRAM OF MEETINGS

DATE	MEETING
THURSDAY 12 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 19 FEBRUARY	• CSPC MEETING
THURSDAY 19 MARCH	• CSPC BRIEFINGS
THURSDAY 26 MARCH	• CSPC MEETING
THURSDAY 16 APRIL	• CSPC BRIEFINGS
THURSDAY 23 APRIL	• CSPC MEETING
THURSDAY 7 MAY	• CSPC BRIEFINGS
THURSDAY 14 MAY	• CSPC MEETING
THURSDAY 18 JUNE	• CSPC BRIEFINGS
THURSDAY 25 JUNE	• CSPC MEETING
THURSDAY 30 JULY	• CSPC BRIEFINGS
THURSDAY 6 AUGUST	• CSPC MEETING
THURSDAY 3 SEPTEMBER	• CSPC BRIEFINGS
THURSDAY 10 SEPTEMBER	• CSPC MEETING
THURSDAY 15 OCTOBER	• CSPC BRIEFINGS
THURSDAY 22 OCTOBER	• CSPC MEETING
THURSDAY 12 NOVEMBER	• CSPC BRIEFINGS
THURSDAY 19 NOVEMBER	• CSPC MEETING

2015 PROGRAM OF MEETINGS

DATE	MEETING
THURSDAY 3 DECEMBER	<ul style="list-style-type: none">• CSPC BRIEFINGS
THURSDAY 10 DECEMBER	<ul style="list-style-type: none">• CSPC MEETING
THURSDAY 17 DECEMBER	<ul style="list-style-type: none">• CSPC RECESS
THURSDAY 24 DECEMBER	<ul style="list-style-type: none">• CSPC RECESS

The recess continues until the first
Central Sydney Planning Committee meetings of 2016

The meeting of the Central Sydney Planning Committee concluded at 6.57pm.

CHAIR