



CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 410
Thursday 26 March 2015
Notice Date 20 March 2015

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 5.05pm, 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.

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 Councillor Mant -

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**

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

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

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

ITEM 2 CONFIRMATION OF MINUTES (S125138)

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

That the minutes of the meeting of the Central Sydney Planning Committee of 19 February 2015, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES (S125138)

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 19 February 2015.

Order of Business

At this stage of the meeting, the Central Sydney Planning Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 9 be brought forward and dealt with prior to Item 4.

ITEM 9 POST EXHIBITION - CITY OF SYDNEY EMPLOYMENT LANDS PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT AND AFFORDABLE HOUSING PROGRAM (S108285)

Note - Two memos dated 25 March 2015 from the Director City Planning, Development and Transport, both Relevant to Item 9 at the Central Sydney Planning Committee, were 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 - Mr Chris Johnson, Mr David Workman, Mr Ted Plummer, Ms Jacqui Smyth, Ms Elise Crameri, Mr Paul Jackson, Mr Tim Ward, Ms Melanie Rule and Dr Nicole Gurran.

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

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of Draft Planning Proposal: City of Sydney Employment Lands, shown at Attachment A to the subject report, the Draft Sydney Development Control Plan 2012 – Southern Employment Lands Amendment, shown at Attachment B to the subject report, and the Draft Employment Lands Affordable Housing Program, shown at Appendix J of Attachment A;
- (B) approve, under section 39 (1) of the City of Sydney Act 1988, Planning Proposal: City of Sydney Employment Lands, shown at Attachment A, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) delegate to the Chief Executive Officer the authority to make minor variations to the Planning Proposal: City of Sydney Employment Lands, shown at Attachment A, to correct any minor drafting errors;
- (D) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that Council approve Draft Sydney Development Control Plan 2012 – Southern Employment Lands Amendment 2015, shown at Attachment B, which if approved by Council will come into effect on the date of publication of the subject local environmental plan;
- (E) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that Council adopt the Employment Lands Affordable Housing Program 2015, as shown at Appendix J of Attachment A, noting that the approved Affordable Housing Program will come into effect on the date of publication of the subject local environmental plan;

- (F) note the City will enter into a funding agreement with the NSW Department of Family and Community Services, which establishes the terms for the collection, management and distribution of funds resulting from the Employment Lands Affordable Housing Program, as shown at Appendix J of Attachment A;
- (G) note the Employment Lands Affordable Housing Program 2015, as shown at Appendix J of Attachment A, contains provisions which Council may, at a future time, review to take more direct responsibility for the allocation of funding;
- (H) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that Council approve the public exhibition of the draft Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment D to the subject report, for a period of no less than 28 days;
- (I) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that authority be delegated to the Chief Executive Officer to finalise the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment D, following its public exhibition, provided any changes following consideration of submissions are of a minor nature;
- (J) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that Council adopt draft Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment D, as an interim guideline, noting that if approved by Council it will guide discussions with landowners and developers seeking to provide infrastructure in association with a site specific planning proposal request in the employment lands investigation areas;
- (K) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that Council endorse the Southern Employment Lands Infrastructure Plan 2014, as shown at Appendix I of Attachment A, to be used as the framework document to continue engagement with the relevant NSW agencies, developers and the community on the provision of infrastructure in and around the southern employment lands;
- (L) note the recommendation to Council's Planning and Development Committee on 24 March 2015 that authority be delegated to the Chief Executive Officer to make minor variations to correct any minor oversights or drafting errors in the:
 - (i) Planning Proposal: City of Sydney Employment Lands 2015, shown at Attachment A;
 - (ii) Sydney Development Control Plan 2012 – Southern Employment Lands Amendment 2015, shown at Attachment B;
 - (iii) Employment Lands Affordable Housing Program 2015, shown at Appendix J to Attachment A; and
 - (iv) Southern Employment Lands Infrastructure Plan 2015, as shown at Appendix I of Attachment A;

- (M) note the City will continue to work with Roads and Maritime Services and Transport for NSW to develop the parameters of a stage 2 transport and access study to guide growth in the southern employment lands, and that the recommendations of the future study may inform subsequent amendments to planning controls; and
- (N) approve amendment to the boundary of the area marked (ii) on Map 3C (Final) – Locality and Site Identification Map, shown at Appendix A of Attachment A, to include the property at 98 O’Riordan Street, Alexandria.

Carried unanimously.

ITEM 4 SECTION 96(2) APPLICATION: 116 BATHURST STREET SYDNEY (D/2012/1023/B)

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

It is resolved that consent be granted to Section 96(2) Application No. D/2012/1023/B, subject to Condition 1 (Approved Development), Condition 22 (Conservation Management Plan and Adaptive Re-Use of Porter House) and Condition 23 (General Design Matters), being modified (with modifications shown in ***bold italics*** (additions) and ***bold italics strikethrough*** (deletions)), as follows:

SCHEDULE A

~~(A) The following deferred commencement conditions must be satisfied prior to the consent becoming operative:~~

~~(1) APPROVAL OF ROADS AND MARITIME SERVICES~~

- ~~(a) As requested by Roads and Maritime Services (RMS), the owners of the subject site must obtain the written approval of RMS under clause 100 of State Environmental Planning Policy (Infrastructure) 2007 prior to the activation of the consent.~~
- ~~(b) It must be demonstrated that the approved development will not negatively impact on the Cross City Tunnel which is located beneath the site. An investigation of the impacts of the approved development on the Cross City Tunnel is to include the following information:~~
- ~~(i) Rock features, joints, clay seams, bedding planes, dykes and other defects should be identified and their effect on the Cross City Tunnel should be considered in the investigation/analysis.~~
- ~~(ii) Ground movements around the Cross City Tunnel, the stress and strain changes in the Cross City Tunnel structural elements (lining, water-proof membrane, anchors and bolts etc.) due to excavation and footing loads impacting on the tunnel should be predicted and a risk assessment carried out.~~
- ~~(c) All requirements contained in the approval of RMS and the owners of the site must be included in any subsequent Stage 2 development application.~~

- (d) ~~Written approval from RMS must be submitted to Council prior to the activation of the consent;~~
- (B) ~~evidence that those matters identified in deferred commencement conditions listed above must be submitted to Council within 24 months or the consent will lapse;~~
- (C) ~~the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated in clause (A) above, have been satisfied; and~~
- (D) ~~upon Council giving written notification to the Applicant that the deferred commencement conditions in clause (A) above 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:~~

(Condition satisfied 19 April 2013)

SCHEDULE 1

(1) APPROVED DEVELOPMENT

Stage 1 development consent is granted only for a building envelope and general arrangement of uses within the development, being basement car parking, a retail/hotel podium and residential tower and restoration and commercial use of heritage listed Porter House, in accordance with Development Application No. D/2012/1023 dated 6 July 2012 (**as amended**) and the following drawings:

Drawing Title	Architect	Date
S96-1101 Issue B Envelope Plans Ground & Level 1	Candalepas Associates	23 October 2014
S96-1102 Issue B Envelope Plans Levels 2 & 3	Candalepas Associates	23 October 2014
S96-1132 Issue B Envelope Plans Levels 4 & 5	Candalepas Associates	23 October 2014
S96-1104 Issue B Envelope Plans Levels 6 & 7	Candalepas Associates	23 October 2014

Drawing Title	Architect	Date
<i>S96-1105 Issue B</i> <i>Envelope Plans</i> <i>Levels 8 & 9</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1106 Issue B</i> <i>Envelope Plans</i> <i>Levels 10-13 & 14-29</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1107 Issue B</i> <i>Envelope Plans</i> <i>Levels 30 & 31</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1108 Issue B</i> <i>Envelope Plans</i> <i>Levels 32 & 33</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1109 Issue B</i> <i>Envelope Plans</i> <i>Levels 34 & 35</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1110 Issue B</i> <i>Envelope Plans</i> <i>Level 36 & Roof</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1301 Issue B</i> <i>Elevations North & East</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>S96-1302 Issue B</i> <i>Elevations West & South</i>	<i>Candalepas Associates</i>	<i>23 October 2014</i>
<i>Proposed Envelope</i> <i>3D Model (1 of 5)</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Proposed Envelope</i> <i>3D Model (2 of 5)</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>

Drawing Title	Architect	Date
<i>Proposed Envelope 3D Model (3 of 5)</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Proposed Envelope 3D Model (4 of 5)</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Proposed Envelope 3D Model (5 of 5)</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Heritage Item – East Facade</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Heritage Item – Plan</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Ground Floor Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 1 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 2 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 3 – 8 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 9 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 10 – 33 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 34 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 35 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>
<i>Level 36 Envelope</i>	<i>Tony Owen Partners</i>	<i>January 2013</i>

and as amended by the conditions of this consent:

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

(As modified by D/2012/1023/B, dated 26 March 2015)

(2) MATTERS NOT APPROVED

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

- (a) The request for a 5.8% uplift in floor space ratio.

- (b) Any demolition, construction, or excavation.
- (c) The layout and number of residential units, car parking spaces, basement levels and building storeys.

(3) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

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

(4) STAGE 2 DA/COMPETITIVE DESIGN PROCESS

- (a) The detailed design of the whole development shall be the subject of a Stage 2 development application.
- (b) The detailed design of the whole development shall be the subject of a competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012; and
- (c) The competitive design process must be held prior to the lodgement of the Stage 2 development application for the development.
- (d) The competitive design process and Stage 2 development application must include the adjoining, heritage listed Porter House as part of the proposal.
- (e) The detailed design of the development must exhibit design excellence.

(5) EXPOSED ELEVATIONS

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

(6) COMPLIANCE WITH ALL RELEVANT PLANNING PROVISIONS

It is expected that the future Stage 2 DA will comply with all relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. In particular, it is noted that the future Stage 2 DA will require consultation with the Roads and Maritime Services under State Environmental Planning Policy (Infrastructure) 2007.

(7) PUBLIC DOMAIN PLAN

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

(8) LOCATION OF DRIVEWAY

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

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

Details shall be submitted with the Stage 2 Development Application.

(9) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

(10) PUBLIC ART

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

(11) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The combined Floor Space Ratio of the proposal and the Floor Space Ratio of the retained Porter House, must comply with the requirements of the Sydney Local Environmental Plan 2012.
- (b) The floor space in excess of a FSR of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(12) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The Stage 2 development should strive to achieve the highest possible ESD targets.

(13) WIND

The Stage 2 DA scheme shall be subject to physical wind tunnel testing in its context to ascertain the impacts of the development on the ground level wind environment and the wind conditions around Bathurst and Castlereagh Streets. Any future development must satisfy the requirements of the Sydney Development Control Plan 2012 in this regard.

(14) SIGNAGE STRATEGY

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

(15) SUBSTATIONS

The location and placement of future substations required by Energy Australia are to be identified within any Stage 2 development application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape.

(16) WASTE MINIMISATION

The Stage 2 DA shall comply with Sydney Development Control Plan 2012.

(17) CONSTRUCTION MANAGEMENT

The Stage 2 DA for the whole development shall be supported by a detailed construction management plan for the development.

(18) ACID SULPHATE SOILS

An Acid Sulphate Soils Management Plan must be prepared by a suitably qualified person in accordance with the 'Acid Sulfate Soils Assessment Guidelines' (ASSMAC August 1998), and submitted with the Stage 2 DA.

(19) ALIGNMENT LEVELS

- (a) The footpath alignment levels for the building must be submitted to Council for approval at Stage 2 Development Application stage. 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 and be incorporated with the public domain plan which will be required as Construction certificate condition.

(20) FURTHER GEOTECHNICAL AND STRUCTURAL INVESTIGATION AND ASSESSMENT

The following report is to be submitted to and shall be endorsed by Council's Director City Planning, Development and Transport prior to ~~the commencement of any future design competition~~ submission of the Stage 2 Development Application:

- (a) The applicant is to engage a structural engineer with suitable experience in work on heritage buildings and heritage materials, to advise on the protection of, and mitigation of damage to, adjacent heritage buildings, arising out of the proposed excavation. The applicant's structural and geotechnical engineers shall direct investigations of subsurface conditions including sufficient boreholes and test pits to determine geotechnical parameters for excavation, excavation support and the protection of adjacent structures.
- (b) ~~A structural assessment of Porter House and concept structural design to verify the adequacy of the building for the proposed new use. The report is to be prepared by a structural engineer with suitable experience in work on heritage buildings and heritage materials. The report is to include an assessment of the critical structural issues relating to the facades of the building and the potential impact upon the existing timber structure of the building arising out of the need for fire resistant construction, fire separation, lateral stabilisation, and to detail structural works to Porter House that will be required to achieve compliance that comply with the Building Code of Australia and Australian Standards.~~

(Amended 25 July 2013)

(21) ~~ARCHAEOLOGICAL ASSESSMENT (NON STANDARD)~~

~~An archaeological assessment of all properties included in the development undertaken by a suitably qualified archaeologist must be submitted with the Stage 2 DA. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work. The report should also form part of the Design Competition brief, in order to inform potential interpretation.~~

(Deleted 25 July 2013)

(22) CONSERVATION MANAGEMENT PLAN AND ADAPTIVE RE-USE OF PORTER HOUSE AT 203 CASTLEREAGH STREET SYDNEY

- (a) The Conservation Management Plan for Porter House at No 203 Castlereagh Street, Sydney is to be amended and the amended plan shall be endorsed by Council's Director City Planning, Development and Transport prior to the commencement of any future design competition. ~~The adjustments to the CMP shall include the following:~~ updated with new information revealed during the construction stage and submitted to the Director City Planning, Development and Transport for approval prior to the issue of an Occupation Certificate.
 - (i) Further physical investigation of the rear structures including timber posts, and boundary walls, where earlier structures may have been incorporated into the building supported by further documentary analysis where required. This investigation should include the relationship of structures with the spaces directly beneath in the basement.

- (ii) To include further physical investigation of the brick platforms in the basement level of the building, including investigation of the condition of the sandstone perimeter wall supported by further documentary analysis where required.
 - (iii) Physical analysis of the locked Storage room in the Basement Level.
 - (iv) Inclusion of the existing pavement shafts and evidence of former shafts, on the Basement Plan.
- (aa)(v) ~~**Prior to the submission of a Stage 2 Development Application, further physical investigation on the sandstone façade fronting Castlereagh Street above door head height, including mapping the location of any inserted beams is to be undertaken and inform the reconstruction of the ground floor façade. The findings of these investigations are to form part of the Stage 2 Development Application.**~~
- (vi) ~~Review of the gradings of significance and policies in the light of further investigation above.~~
- (b) The following reports in (i) to (vii) below, pertaining to the refurbishment of Porter House, shall be ~~approved by Council's Director City Planning, Development and Transport prior to the commencement of any future design competition. The concept designs and advice within the approved reports are to inform the Design Competition, be incorporated into the Stage Two Development Application design.~~
- (i) The approved outline Schedule of Conservation Works, contained within the Conservation Management Plan by Godden Mackay Logan, and the approved sketch design for the reconstruction of the eastern façade at Ground Floor level. ~~are to be included as part of the design competition brief.~~
 - (ii) The approved outline Schedule of Conservation Works is to be developed further and supported by larger scale plans and sections with indicative details and specifications outlining the intended conservation and adaptive approach to the interiors components (preservation, restoration, reconstruction, adaptation, interpretation etc) is to form part of any Stage 2 application.
 - (iii) The approved detailed design resolution for the reconstruction of the eastern façade at Ground Floor level supported by sections and detail plans at a minimum scale of 1:20 are to form part of any Stage 2 application.
 - (iv) A concept fire safety strategy report that outlines the proposed fire rating solution for the interiors, which is to utilise fire engineered solutions rather than physical barrier solutions to maximise the exposure of timber structure, original fabric and finishes and minimise compartmentalisation of spaces and levels.

- (v) Building services concept design report(s) that assess the current building services, address non compliances with the Building Code of Australia (BCA), and explain the intended design approach to new or additional building services. This should include the type of systems proposed, the means of reticulation of services and the location of all plant. The proposed solutions to building services are to enhance the Victorian character of the interiors, and maximise the exposure of timber structure, original fabric and finishes. Service installations such as air conditioning plant, hydrant pump room, booster valves and electrical switch room are to be located outside of Porter House. The lift overrun is to be reduced in height to the minimum that is feasible.
- (vi) An Acoustic report to explain how the interiors will achieve compliance with BCA.

(Amended 25 July 2013)

(As modified by D/2012/1023/B, dated 26 March 2015)

(23) GENERAL DESIGN MATTERS

The future design competition brief and Stage 2 development application must incorporate the following restrictions:

- (a) The extent of the cantilever of the proposed tower over Porter House is to be a maximum of five metres as measured in plan, in the north south direction.
- (b) The proposed lift core is to be setback from the south facade of Porter House by a minimum of four metres.
- (c) The proposed tower is to be setback a minimum of **eight six** metres from Castlereagh Street.
- (d) The proposed recess between Porter House at 203 Castlereagh Street and the proposed building at 110-118 Bathurst Street is to be designed as follows:
 - (i) Any roofing or facades to the north and east are to be fully glazed and achieve a high level of transparency so as to conserve views of the original southern facade and the form of Porter House.
 - (ii) To be a minimum width of ~~5,300mm~~ **3,800mm**.
- (e) The proposed building at 110-118 Bathurst Street is to be structurally independent of Porter House, the building at 203 Castlereagh Street, Sydney.
- (f) The proposed excavation is to be setback by minimum of two metres from the boundary with the property St George's Church, at 201A Castlereagh Street, at the rear of Porter House.

- (g) The podium design should be a finely designed masonry building with the facade composition responding in a positive way to the adjacent heritage items and the predominant historic development at 201A, 201 and 203 Castlereagh Street, 284 – 292 Pitt, and 108 Bathurst Street that is characterised by strong visual depth, a high degree of architectural modelling and articulation, a complex hierarchy of vertical and horizontal proportions and changes in architectural treatment with height and level. High quality materials that provide a compatible response to surrounding development should be incorporated into the design. Glazing (at all levels of the building) should maintain a high level of clarity and be neutral in colour. Balconies should be recessed within the line of the facade through punctured openings.
- (h) The soffit of the tower as viewed within the context of the heritage items at 201A, 201 and 203 Castlereagh Street is to be carefully considered so as to reduce its visual prominence.
- (i) The pavement level of the former cartway of Porter House at 203 Castlereagh Street is to be lowered to an approximation of its original level. The character of this space is to reflect its original use as cartway.
- (j) Any enclosed structure replacing the existing rear structures in Porter House is to be setback by a minimum of three metres from the boundary with the property at 201A Castlereagh Street, St George's Church, so as to retain the sense of the former rear courtyard.

(As modified by D/2012/1023/B, dated 26 March 2015)

(24) OUTLINE HERITAGE INTERPRETATION STRATEGY

The Stage Two Design is to incorporate an outline interpretation strategy that details how information on the history and significance of the entire site and its potential archaeology will be provided for the public. This outline should inform the Design Excellence brief.

(25) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the Design Excellence and Stage 2 design processes.

(26) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the Stage 2 development application.

Carried unanimously.

ITEM 5 DEVELOPMENT APPLICATION: 116 BATHURST STREET SYDNEY (D/2014/797)

Moved by Councillor Kok, seconded by Ms Trainor -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;
- (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/2014/797, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)****(1) ROADS AND MARITIME SERVICES – GEOTECHNICAL INVESTIGATION**

The following reports and processes should be submitted and endorsed by Roads and Maritime prior to the activation:

- (a) FEM model and report to include the effects of horizontal rock stresses on the tunnel lining. Specifically, the model should use a range of rock parameter values to assess the sensitivity of the effects of these parameters. Based on available geotechnical information, carry out preliminary analysis of ground movement due to excavation and an assessment of the impact of the excavation on the tunnel.
- (b) Carry out geotechnical site investigation, at least one cored borehole be drilled below the tunnel invert level.
- (c) The FEM tunnel model should be prepared following the initial borehole investigation to include values of rock parameters and details of rock features such as jointing, clay seams and dykes. Based on the results of geotechnical investigation including rock features, carry out detailed analysis of the effects of the excavation on the tunnel system including rock bolts and tunnel lining (e.g. stress and strain changes) if possible and risk assessment.
- (d) A monitoring plan and risk management plan for the tunnel.
- (e) The design and construction of the excavation is to be carried out in accordance with the Roads and Maritime Technical Direction for Deep Excavations (GETD 201110001).

(2) COMMUNAL OPEN SPACE

Amended plans shall be submitted to include the provision of communal open space and communal facilities on Level 9. In order to accommodate communal facilities it is recommended that the area of green roof be reduced to provide useable and functional open space for all residents.

(3) HERITAGE DESIGN MODIFICATIONS

Amended plans shall be submitted for approval of the Director City Planning, Development and Transport to illustrate the following design modifications to the Porter House component of the development:

- (a) Deletion of the ground floor level toilets and the stair leading to Level 1 terrace located to the rear of Porter House. This includes all structures adjacent to the northern boundary extending westwards as far as the MRV lift and extending southwards to a minimum of three metres from the shared boundary with St Georges Church. Amended plans shall be submitted to show these elements deleted and/or located elsewhere within the development;
- (b) The shaft of the existing lift overrun shall be reduced in height to match the height of the proposed lift shaft at RL 45.12;
- (c) Further physical investigation on the sandstone facade fronting Castlereagh Street above door head height, including mapping the location of any inserted beams is to be undertaken and inform the reconstruction of the ground floor facade;
- (d) The architectural plans currently locate the existing original window joinery in a different location to its existing location that is original. The location of all window joinery of the front facade is to be realigned so that it aligns with the original locations of joinery; and
- (e) The ground floor eastern elevation facade and openings of Porter House shall be amended as follows:
 - (i) relocation of the ground floor joinery to remain as original and so as to align with the joinery on levels above;
 - (ii) the design of the joinery and the arched openings is to closely interpret the original design. Openings that were originally windows are to be amended to be reconstructed as windows; and
 - (iii) the reconstruction of the ground floor facade shall incorporate all sound original sandstone and remove all later sandstone patching and cladding. All new sandstone utilised for the reconstruction of the ground floor facade is to be of stone units of the depth of the original external skin of the building that is defined by the alignment of the original joinery. No veneer of sandstone is permitted. All stone steps are to be of monolithic units. Details of the reconstruction are to be submitted that indicate the construction of the wall relative to existing fabric, and the set out of all sandstone units and their sizes. Plans and sections shall be submitted at a scale of 1:50 and 1:20.

(4) STRUCTURAL DESIGN FOR PORTER HOUSE

The proposed structural design for Porter House shall be submitted to, and endorsed by, Council's Manager of Urban Design and Heritage prior to the commencement of this consent. The following should be noted in the preparation of the structural design:

- (a) Alternate solutions to meet the performance requirements in accordance with the BCA are to be used where necessary to mitigate adverse heritage impacts, to enhance the Victorian character of the interiors, and maximise the exposure of timber structure, original fabric and finishes.
- (b) A Statement of Heritage Impact is to be submitted in conjunction with the design, and is to discuss the options considered, assess the level of heritage impact, and propose appropriate mitigation of adverse impacts.
- (c) The design should include the resolution of all issues outlined in the structural report, prepared by Mott McDonald, dated 23 May 2014, including:
 - (i) lateral bracing in the floor plane;
 - (ii) enhanced wall to floor connections;
 - (iii) stiffening in the wall plane by lining external walls;
 - (iv) increase of the original brick piers between the windows.

(5) MECHANICAL AND OTHER BUILDING SERVICES DESIGN FOR PORTER HOUSE

The mechanical services design for Porter House shall be updated for the amended land uses and shall be submitted, and endorsed by, Council's Manager of Urban Design and Heritage prior to the commencement of this consent. The following should be noted in the preparation of the mechanical and building services design:

- (a) The proposed solutions to all building services are to enhance the Victorian character of the interiors, and maximise the exposure of timber structure, original fabric and finishes.
- (b) Service installations, such as air conditioning plant, hydrant pump room, booster valves and electrical switch room are to be located outside of Porter House.
- (c) A Statement of Heritage Impact is to be submitted in conjunction with the design, and is to discuss the options considered, assess the level of heritage impact, and propose appropriate mitigation of adverse impacts.
- (d) The design should include the resolution of all issues including:
 - (i) the proposed type of air conditioning system;
 - (ii) the proposed reticulation of air conditioning ductwork throughout the building and the kitchen exhaust; and
 - (iii) the location and size of all plant and equipment, and enclosures.

(6) WIND IMPACT ASSESSMENT

An updated Wind Impact Assessment report shall be submitted to the Director City Planning, Development and Transport to reflect the amended scheme for approval. Where necessary, any recommendations of the wind impact assessment with regard to balcony treatments should be incorporated on amended plans and submitted concurrently for approval.

- (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 2 years of the date of determination;
- (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.

PART B – CONDITIONS OF CONSENT**(ONCE THE CONSENT IS IN OPERATION)****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/2014/797, dated 5 June 2014, and the following drawings:

Drawing Number	Architect	Date
DA-1101 Issue D	Candalepas Associates	29 January 2015
DA-1102 Issue D	Candalepas Associates	29 January 2015
DA-1103 Issue D	Candalepas Associates	29 January 2015
DA-1104 Issue D	Candalepas Associates	29 January 2015
DA-1105 Issue D	Candalepas Associates	29 January 2015
DA-1106 Issue D	Candalepas Associates	29 January 2015

Drawing Number	Architect	Date
DA-1107 Issue D	Candalepas Associates	29 January 2015
DA-1108 Issue D	Candalepas Associates	29 January 2015
DA-1109 Issue D	Candalepas Associates	29 January 2015
DA-1110 Issue D	Candalepas Associates	29 January 2015
DA-1111 Issue D	Candalepas Associates	29 January 2015
DA-1112 Issue D	Candalepas Associates	29 January 2015
DA-1113 Issue D	Candalepas Associates	29 January 2015
DA-1114 Issue D	Candalepas Associates	29 January 2015
DA-1115 Issue D	Candalepas Associates	29 January 2015
DA-1151 Issue B	Candalepas Associates	29 January 2015
DA-1152 Issue A	Candalepas Associates	29 January 2015
DA-1153 Issue A	Candalepas Associates	29 January 2015
DA-1201 Issue B	Candalepas Associates	29 January 2015
DA-1202 Issue B	Candalepas Associates	29 January 2015
DA-1203 Issue D	Candalepas Associates	29 January 2015
DA-1301 Issue D	Candalepas Associates	29 January 2015
DA-1302 Issue D	Candalepas Associates	29 January 2015
DA-1303 Issue D	Candalepas Associates	29 January 2015
DA-1304 Issue D	Candalepas Associates	29 January 2015
DA-1401 Issue B	Candalepas Associates	23 October 2014
DA-1402 Issue B	Candalepas Associates	23 October 2014
DA-1403 Issue B	Candalepas Associates	23 October 2014
DA-1404 Issue B	Candalepas Associates	23 October 2014
DA-1405 Issue B	Candalepas Associates	23 October 2014
DA-1406 Issue A	Candalepas Associates	23 October 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) 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.

(3) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 14.35:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 18,616sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 2,060sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012. Note: The allocation of heritage floor space has been reduced in accordance with the provisions of Clause 6.11(2)(a) of Sydney Local Environmental Plan 2012.

(4) BUILDING HEIGHT

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

	Maximum RL
Top of parapet of building podium	56.30
Top of parapet at Level 30	118.40
Top of the Building	143.60

- (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.

(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 Candalepas Associates, and submitted to Council with Development Application D/2014/797 on 5 June 2014.

(6) COMPLIANCE WITH SIGNAGE STRATEGY

All future signage on the site shall be in accordance with the nominated locations in the signage strategy entitled '112-118 Bathurst Street, 203 Castlereagh Street - Exterior Signage Development Application', prepared by Frost Design, dated May 2014.

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

(7) COMMERCIAL AND HOTEL USES - SEPARATE DA REQUIRED

Separate development applications are to be submitted for the fit-out and use of the commercial tenancies and hotel use. This includes:

- (a) ground floor corner tenancy in podium and Levels 1 to 4 (inclusive) of Porter House for commercial/retail use; and
- (b) basement level 1 and ground floor of Porter House and Levels 1 to 8 (inclusive) of the podium for hotel use. No consent is given or implied for the basement level 1 kitchen use or its fit-out as part of the subject application, and this must form part of the further development applications.

All development applications must be submitted to and approved by Council prior to that fit-out or use commencing.

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

A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the City of Sydney Act 1988 and the Central Sydney Contribution (Amendment) Plan 2002/ Central Sydney Development Contributions Plan 2013 in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.
- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

(9) 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.

(10) 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	42
Hotel parking spaces	19
Accessible space (hotel/residential)	1
Commercial/Retail parking space	1
Car Share parking space	1
Subtotal	64
Motorcycle parking	4
Medium Rigid Vehicle loading dock(s)	1

(11) 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".

(12) 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	131	Spaces must be a class 1 bicycle locker or Class 2 bicycle facilities
Residential visitor	14	Spaces must be Class 3 bicycle rails
Non-residential	10	Spaces must be Class 2 bicycle facilities
Non-residential visitor	7	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	10	

Notes:

- (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.

(13) 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 changes 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(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) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 9 to 34) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from "residential accommodation" as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) 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.

(21) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than by residents of the subject building 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.

(22) RESTRICTION ON USE OF CAR SPACES - HOTEL

The following conditions apply to car parking:

- (a) The on site car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building.
- (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
- (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

(23) BOUNDARY WINDOWS COVENANT

All windows on Levels 9 to 34 (inclusive) adjacent to the western boundary of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. Prior to a Construction Certificate being issued, a documentary restrictive covenant is to be registered on the Title of all units/tenancies facing the affected boundary. The covenant is to be created appurtenant to Council and at no cost to Council.

(24) POSITIVE COVENANT

Prior to the issue of an Occupation Certificate, a positive covenant is to be registered on title that burdens the development site land and is enforceable by Council (Council to be the prescribed authority imposing the covenant) in accordance with section 88E of the Conveyancing Act 1919 (NSW), on terms satisfactory to Council, that requires the registered proprietor of the development site land to comply with the obligations and requirements of the Costed Heritage Asset Maintenance Plan (as required by Condition 35) for the heritage item known as 'Porter House' which is located within the development site land.

(25) RESTRICTION ON USE OF LAND

Prior to the issue of an Occupation Certificate, a restriction on the use of land is to be registered on title that burdens the development site land and is enforceable by Council (Council to be the prescribed authority imposing the restriction) in accordance with section 88E of the Conveyancing Act 1919 (NSW), on terms satisfactory to Council, limiting the gross floor area for that part of the development site occupied by the heritage item known as 'Porter House' to the existing gross floor area being 1,819m² (as defined by the Sydney Local Environmental Plan 2012).

(26) PARKING ON COMMON PROPERTY AREAS

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

(27) EXTERNAL LIGHTING

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

(28) REFLECTIVITY

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

(29) SUBMISSION OF REVISED ACOUSTIC REPORT

Prior to the issue of any Construction Certificate, a revised acoustic report shall be prepared to supplement the content in the report entitled 'Stage 2 DA Noise Assessment' (Report No. 12072-2 Version A), prepared by Wilkinson Murray, dated 29 May 2014.

The acoustic report must be revised to reflect the land use and design modifications to the proposed development since the preparation of the original report, and must include detailed specific engineering systems to ensure compliance with SDCP 2012 in relation to internal noise transfer.

The acoustic report shall be submitted to, and approved by, the City's Area Planning Manager, prior to the issue of any Construction Certificate.

(30) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning 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 EPA 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 EPA 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 EPA 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 noise sensitive 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 EPA 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 EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(31) 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 any Construction Certificate.

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

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

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

(32) 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 Demolition, Excavation and Construction Management Plan to be submitted and approved at a later date.
- (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.

(33) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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".

A separate Section 96 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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.

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.

(34) CONSERVATION AND ADAPTIVE RE USE OF PORTER HOUSE AT 203 CASTLEREAGH STREET SYDNEY

Details of the conservation of the building to be completed as part of the works shall be submitted and endorsed by Council's Manager of Urban Design and Heritage prior to the issue of a Construction Certificate. These shall include:

- (a) The approved outline Schedule of Conservation Works, contained within the Conservation Management Plan by Godden Mackay Logan, approved as part of the Stage One consent, is to be developed further and supported by larger scale floor plans, reflected ceiling plans and sections, details at 1:20 and 1:5 scale as appropriate, and by repair methodologies and specifications outlining the intended conservation and adaptive approach to the interiors components (preservation, restoration, reconstruction, adaptation, interpretation etc).
- (b) The structural design, fire, acoustic and services design is to be coordinated with the design of the conservation works.
- (c) EXTERNAL CONSERVATION WORKS are to include but are not limited to the following:
 - (i) The investigation of all stone and brick facades and basement walling and foundations, external joinery, roof framing, roofing and roof plumbing is to be undertaken and is to inform a detailed scope of conservation work supported by larger scale plans, elevations, sections with indicative details and specifications.
 - (ii) All external joinery is to be of timber of a durable nature. Details at 1:5 and specifications are to be submitted.

- (iii) The reconstruction of the ground floor façade is to be of sandstone of a similar colour, mineral content, bulk density, porosity, modulus of rupture and the wet and dry compressive strengths characteristics as the sandstone utilised in the original construction. The details of the reconstruction are to include elevations and sections at 1:50 and 1:20 scale that indicate the construction of the wall, the incorporation of original sandstone blocks, and elevations that show the set out of all sandstone units and their sizes, and specifications including details of the sandstone source and characteristics, tooling, bedding mortar, pointing mortar, poultice and the like, are to be submitted.
- (d) INTERNAL CONSERVATION WORKS are to include the retention and conservation of all the timber structural members, pavement light shafts, original and early internal walls, pressed metal ceiling systems, timber flooring and early terrazzo stairs, wall plaster, door and window reveal linings and architraves, timber skirtings, glazing and hardware.
- (e) All diagnostic work should be undertaken by specialist conservers and engineers.
- (f) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (g) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- (h) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (i) The above works are to be implemented to the satisfaction of Council's Manager of Urban Design and Heritage prior to the issue of the Occupation Certificate. Ongoing consultation with Council should be maintained throughout the works.

(35) COSTED HERITAGE ASSET MAINTENANCE PLAN

- (a) To ensure the continued protection of heritage significance of the heritage item and to guide the future maintenance on heritage fabric, a costed Heritage Asset Maintenance Plan is to be developed. The following is to apply:
 - (i) The Plan is to be based on the NSW Heritage Division of the Department of Environment and Heritage publication: 'Preparing a maintenance plan', and is to be a guide for the effective, continuous, protective maintenance of all significant heritage fabric for a minimum period of 20 years.

- (ii) The Plan is to include all fabric identified as being of heritage significance, specification notes and methodologies based on the Articles of the Australian ICOMOS Burra Charter 1999 and best conservation practise, and a list of appropriate consultants and suppliers together with the projected costing for each item of work.
- (iii) The Plan is to be prepared by the Conservation Architect and is to be submitted to Council for approval prior to the issue of an Occupation Certificate.

(36) GENERAL HERITAGE

- (a) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (c) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (d) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (e) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(37) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan for the site and its archaeological resource must be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of the site and its archaeological resource will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed. The plan is also to include a plaque of high-quality material (e.g. bronze or brass) describing the history of the site and building must be installed on the facade of the building prior to an Occupation Certificate being issued. The design, location and wording must be submitted for the approval of Council's Urban Design and Heritage Manager prior to manufacture and installation.

- (d) Prior to Occupation Certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(38) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(39) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the buildings that currently occupy the site 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.

Procedure

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

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

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

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

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage 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.

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

(40) REDUCTION OF RISING DAMP AND SALT ATTACK IN BUILDINGS CONSTRUCTED PRIOR TO 1920

- (a) To avoid potential damage caused by rising damp and migrating salts the following is to apply to the ground floor.

- (i) No concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.

(41) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

(42) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for sites in the vicinity, for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The Strategy is to detail how the proposed works will ensure that the St Georges Free Presbyterian Church at 201A Castlereagh Street and the Lincoln Building at 108 Bathurst Street are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally, the protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.
 - (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
 - (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.
 - (iv) Details of the proposed protection of party walls from damp and water ingress during the works.

(43) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

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

(44) PROTECTION METHODOLOGY

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

(45) COLOUR SCHEME

A schedule of all proposed interior and exterior colours and finishes which are to be typical of the period, style and historic use of Porter House. Paint types are to be specified and are sympathetic to the nature of the substrate. The external colour scheme is to be sympathetic to the architectural style and period of the building. A schedule of colours, finishes and specifications are to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate.

(46) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(47) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF THE WHOLE PORTER HOUSE BUILDING IS REQUIRED

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, an assessment of the development proposal has been undertaken, and:

- (a) as more than 50 percent of the volume of the Porter House building is proposed to be altered or has been altered over the previous 3 year period; and/or
- (b) the measures contained in the building are inadequate to protect persons using the building and to facilitate their egress from the building in the event of fire, or to restrict the spread of fire from the building to other buildings nearby,

it has been determined that the whole Porter House building must be brought into total conformity with the Building Code of Australia. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the whole building is brought into conformity with the Building Code of Australia by complying with Clause A0.4 of the BCA.

(48) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

(49) ADAPTABLE HOUSING

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

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia; and
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299

is to be submitted to the Certifying Authority.

(50) FLOOR TO CEILING HEIGHT

Prior to a 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.

(51) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan must include:
- (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatment.
 - (ii) Location of existing and proposed structures and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used, with reference to NATSPEC (if applicable) and with a preference for drought resistant local species.
 - (v) Details of the soil media / substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport of materials etc.
 - (vii) Details of the parts of the green roof which are accessible and inaccessible. Where proposed to be inaccessible, green roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the applicant must provide evidence that adequate provision and certification (such as, but not limited to wind, structure and waterproofing) has been undertaken to ensure the landscape proposals do not create any hazard to public safety. All relevant evidence is to be submitted and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property and a copy of the maintenance plan is to be kept on site at all times during construction and following completion and shall be produced to Council on request.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(52) PUBLIC ART

Final details of the approved public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of a Construction Certificate. The public artwork must be in accordance with the Sydney DCP 2012 and the Public Art Policy. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(53) 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.

(54) 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.

(55) 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).

(56) 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.

(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 Design Code and Sydney Streets Technical Specification, including road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual) and must show the following information as a minimum:

- (i) All existing and proposed elements within the public way along all site frontages including but not limited to footpath paving, kerbs and gutter, pedestrian ramps, vehicle crossings, utility pit lids, stormwater kerb outlet pipes, permanent survey marks, light poles, traffic control signage and traffic signals, street name signs, carriageways, and street furniture.

Note: Any proposed vehicle crossover, including the crossover wings, must be a minimum of 1m from the adjacent property boundary.

- (ii) Existing public domain elements adjacent to and opposite the development site including but not limited to pedestrian ramps, median islands, vehicle crossovers, traffic control lines and signage, and light poles.
- (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) 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.

(61) DRAINAGE AND SERVICE PIT LIDS

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

(62) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Bathurst Street and Castlereagh Street frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: All costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(63) 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.

(64) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 75 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.

(65) 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.

(66) PHYSICAL MODELS

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

Note:

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

(67) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed 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.

(68) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(69) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
- (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the WorkCover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.
 - (xv) Disconnection of utilities.

- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any WorkCover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(70) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works for the following properties:
- (i) 201 and 201A Castlereagh Street;
 - (ii) 131-135, 137-139 and 141-149 Pitt Street;
 - (iii) 266-274, 276-278, 280-282 and 284-292 Pitt Street; and
 - (iv) 219-227 Elizabeth Street.
- (b) 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

- (c) 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.

(71) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$324,250 as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$324,250; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;

- b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

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

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

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

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads;
 - (ii) approximate grades and indications of direction(s) of fall;
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention;
 - (iv) location of site access, proposed roads and other impervious areas;
 - (v) existing and proposed drainage patterns with stormwater discharge points; and
 - (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; and
 - (ix) other site-specific soil or water conservation structures.

(73) 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).

(74) 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.

(75) 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.

(76) 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.

(77) 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.

(78) 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.

(79) 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.

(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) LAND SUBDIVISION

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

(82) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(83) ELECTRICITY SUBSTATION

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

(84) 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.

(85) 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.

(86) WASTE MANAGEMENT FACILITIES

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

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

- (c) a minimum vertical clearance of 3.8 metres (taking pipes, ducts etc. into account) and sufficient manoeuvring space to provide for a 9.24m long vehicle, for all areas accessed by Council's waste collection vehicles.

(87) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(88) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(89) 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.

(90) HOURS OF WORK AND NOISE – CBD

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

(91) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

(92) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

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

(93) 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.

(94) BASIX

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

(95) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(96) 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.

(97) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(98) 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.

(99) 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.

(100) 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.

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

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

(102) 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.

(103) 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.

(104) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

(105) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(106) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(107) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

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

(108) STREET NUMBERING – MAJOR DEVELOPMENT

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

SCHEDULE 2

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

SCHEDULE 3

(109) TRANSPORT FOR NSW CONDITION

The developer shall consult with Transport for NSW prior to the issue of a Construction Certificate to afford Transport for NSW the opportunity to review the detailed construction plans and provide comments on the use of any rock anchors.

Carried unanimously.

ITEM 6 DEVELOPMENT APPLICATION: 40A AND 40B O'DEA AVENUE WATERLOO (D/2014/895)

Moved by Mr Keary, seconded by Ms Trainor -

It is resolved that:

- (A) the request to waive the masterplan requirement for the site be granted, given the resolution of the DCP planning controls which apply to the site and the unlikelihood that an improved building mass could be found;
- (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/2014/895, subject to the following:

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

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

(1) PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by O'Dea Avenue Development Pty Ltd be executed and submitted to Council; and
- (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and
- (c) The Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Planning Agreement.

(2) EXTINGUISHMENT OF EASEMENTS

- (a) A separate application is to be made to Council to obtain approval for the extinguishment of the Easement for Drainage 3.05m wide currently burdening the site for which the City is the beneficiary (created by DP227371) and appropriate execution of the termination and release instrument for registration purposes.
 - (b) Evidence of formal extinguishment of the Easement for Drainage 3.05m wide created by DP227371 and the Easement to Drain Water 2.44m wide created by DP530422, currently burdening the site, is to be submitted to Council.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the 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 commencement 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.

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 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/2014/895 dated 24 June 2014 and the following drawings:

Drawing Number	Architect	Date
243_002 – Rev DA1 Site Plan	Collins and Turner + Environa Studio	11 June 2014
243_010 – Rev DA5 Basement Level 1 Plan	Collins and Turner + Environa Studio	25 February 2015
243_011 – Rev DA5 Basement Level 2 Plan	Collins and Turner + Environa Studio	25 February 2015
243_012 - Rev DA5 Basement Level 3 Plan	Collins and Turner + Environa Studio	25 February 2015
243_013 – Rev DA5 Level 1 Plan	Collins and Turner + Environa Studio	25 February 2015
243_014 – Rev DA5 Level 2 Plan	Collins and Turner + Environa Studio	25 February 2015
243_015 – Rev DA5 Level 3 Plan	Collins and Turner + Environa Studio	25 February 2015
243_016 – Rev DA5 Level 4 Plan	Collins and Turner + Environa Studio	25 February 2015
243_017 – Rev DA3 Level 5 Plan	Collins and Turner + Environa Studio	12 January 2015
243_018 – Rev DA3 Levels 6 – 13 Plan	Collins and Turner + Environa Studio	12 January 2015
243_019 – Rev DA3 Levels 14 - 19 Plan	Collins and Turner + Environa Studio	12 January 2015
243_020 – Rev DA3 Level 20 Plan	Collins and Turner + Environa Studio	12 January 2015
243_021 – Rev DA3 Roof Level Plan	Collins and Turner + Environa Studio	12 January 2015

Drawing Number	Architect	Date
243_200 – Rev DA5 West Elevation	Collins and Turner + Environa Studio	25 February 2015
243_201 – Rev DA5 East Elevation	Collins and Turner + Environa Studio	25 February 2015
243_202 – Rev DA5 North Elevation	Collins and Turner + Environa Studio	25 February 2015
243_203 – Rev DA5 South Elevation	Collins and Turner + Environa Studio	25 February 2015
243_204 – Rev DA5 Internal South Elevation	Collins and Turner + Environa Studio	25 February 2015
243_205 – Rev DA5 Internal North Elevation	Collins and Turner + Environa Studio	25 February 2015
243_300 – Rev DA5 East West Section	Collins and Turner + Environa Studio	25 February 2015
243_301 – Rev DA5 Detail section - Breezeway	Collins and Turner + Environa Studio	25 February 2015
243_302 – Rev DA3 Detail section – Cladding	Collins and Turner + Environa Studio	9 January 2015
243_303 – Rev DA5 Unit 1.06 & 1.07 Detail Plan & Section	Collins and Turner + Environa Studio	25 February 2015
243_304 – Rev DA5 Level 5 Bridge Detail Plan & Elevation	Collins and Turner + Environa Studio	25 February 2015
243_305 – Rev DA5 Detail Plan and West Elevation 1	Collins and Turner + Environa Studio	3 March 2015
243_306 – Rev DA5 Detail Plan and West Elevations 2	Collins and Turner + Environa Studio	3 March 2015
243_307 – Rev DA5 Detail Plan and North Elevation	Collins and Turner + Environa Studio	3 March 2015
243_308 – Rev DA5 Detail Plan and South Elevation	Collins and Turner + Environa Studio	3 March 2015
243_700 – Rev DA1 Adaptable Apartments 1 Bed	Collins and Turner + Environa Studio	5 June 2014
243_701 – Rev DA1 Adaptable Apartments 2 Bed	Collins and Turner + Environa Studio	5 June 2014
243_702 – Rev DA1 Adaptable Apartments 3 Bed	Collins and Turner + Environa Studio	5 June 2014
Proposed subdivision plan. Reference 1763- DRAFT	Surveying Solutions	6 March 2015

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 SUBMITTED MATERIALS SAMPLE BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials sample board, ref: 243_801 – Rev DA2, prepared by Collins and Turner + Environa Studio except for the SCR-1 sample provided on the board.

(3) EXTERNAL SCREENING / PANELLING

A final sample and design details of the external screening / panelling to be used in the development (annotated on drawings as “SCR-1”), including details of returns and finishes around corners, is to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(4) SAM SING STREET TOWER BUILDING – WESTERN ELEVATION

Additional passive solar treatment is to be introduced to the western façade of the Sam Sing Street tower to address heat impacts. Detailed drawings of this passive solar treatment, along with material samples, are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(5) SECURITY SHUTTER / SCREEN FOR FOOD AND DRINK PREMISES

Design and material details for the external security shutter for the food and drink premises on Archibald Avenue are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate. In this regard, the security screen is to be well designed and of high quality materials, with a degree of openness so that it does not present a solid, blank appearance to the street.

(6) GLAZED WIND BREAK – GROUND LEVEL (“LEVEL 1” PLAN)

Consent is not granted for the installation of a glazed wind break at ground level (“Level 1” plan) on the corner of Archibald Avenue and Sam Sing Street.

(7) FENCES AND GATES

All fencing and gates enclosing the front garden areas of apartments along the Hatbox Avenue and Sam Sing Street frontages of the development are to be a maximum height of 1.4m above finished ground level.

(8) PRIVACY TREATMENT – ARCHIBALD AVENUE BUILDING APARTMENT A1.06

All ground floor windows of apartment A1.06 in the Archibald Avenue building are to incorporate appropriate privacy treatment and be fixed up to a height of 1.6m above finished floor level. Details of this privacy treatment (including method of fixing) are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(9) 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.

(10) 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.

(11) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use must not exceed 2.2059:1 calculated in accordance with South Sydney DCP 1997: Urban Design – Green Square Part G: Special Precinct No. 9 Green Square (Lachlan Precinct). For the purposes of the calculation of FSR, the Gross Floor Area of the commercial component is 189sqm, for the residential component is 12,151sqm, and the total Gross Floor Area is 12,340sqm.
- (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 DCP 1997: Urban Design – Green Square Part G: Special Precinct No. 9 Green Square (Lachlan Precinct), applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(12) BUILDING HEIGHT – ALL BUILDINGS

- (a) The height of the Sam Sing Street tower must not exceed RL 90.35 (AHD) to the top of the building (lift core) and RL 89.25 (AHD) to the top of the shade structure covering the roof level gardens.
- (b) The height of the Archibald Avenue building must not exceed RL 41.23 (AHD) to the top of the architectural canopy over the lift core and RL 37.23 (AHD) to the finished floor level of the roof garden.

- (c) The height of the Hatbox Place building must not exceed RL 40.05 (AHD) to the top of the architectural canopy over the lift core and RL 36.56 (AHD) to the finished floor level of the roof garden.
- (d) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a), (b) and (c) above, to the satisfaction of the Principal Certifying Authority.

(13) SIGNS - SEPARATE DA REQUIRED

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

(14) USE OF COMMON AREAS AND FACILITIES

- (a) The level 1 (ground level) central courtyard, roof top gardens on the eastern sides of the 4 storey Archibald Avenue and Hatbox Place buildings and roof top garden on the 20 storey tower must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.
- (b) Any roof top areas with communal access must ensure a 2 metre setback of usable area from the building edge to reduce overlooking. Drawings and details reflecting are to be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(15) STORAGE FACILITIES

In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities are to be provided for the residential apartments within the development at the following minimum rates:

- (a) Studio apartments: 6m³
- (b) One bedroom apartments: 6m³
- (c) Two bedroom apartments: 8m³
- (d) Three plus bedroom apartments: 10m³

At least 50% of this storage is to be provided within each apartment. Plans showing this storage provision are to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

(16) STUDY AREAS

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

(17) 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.

(18) 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.

(19) 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.

(20) ALLOCATION OF PARKING

- (a) 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	112
Accessible residential spaces	26
Residential visitor spaces	17
Accessible residential visitor spaces	1
Retail / Food and drink premises parking	2
Accessible retail / food and drink premises parking	1
Subtotal	159
Car wash bay	2
Total	161

- (b) A commercial carpark must not be operated in the building.

(21) 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".

(22) 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	57	Spaces must be class 2 bicycle facilities
Residential visitor	17	Spaces must be Class 3 bicycle rails
Non-residential	3	Spaces must be Class 2 bicycle facilities

- (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 Principal Certifying Authority prior to the issue of a Construction Certificate.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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.

(30) 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 display apartments and on all directory boards or notice boards, where they can be easily 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.

(31) 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.

(32) 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.

(33) MIRROR SYSTEM

A system of mirrors must be installed along the entry ramp and within the basement loading area to ensure that adequate sightlines are maintained for vehicles attempting to enter or exit the site at the same time as a large vehicle. This system must be detailed in the application for a Construction Certificate.

(34) TRAFFIC WORKS

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

(35) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portions of the buildings (over all levels) 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 the accommodation portions of the buildings from permanent residential accommodation. 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.

(36) 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.

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

The following conditions apply to car parking:

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

(38) ADDITIONAL REPORTING REQUIRED – BASELINE ENVIRONMENTAL NOISE LEVELS

A suitably qualified acoustic consultant* is to be engaged to undertake and provide a written report to Council on the following scope of work:

- (a) A minimum of seven days long-term unattended noise monitoring is to be conducted in complete accordance with the NSW EPA Industrial Noise Policy (INP), being unaffected by extraneous noise and weather data to within the limits described by the Industrial Noise Policy. The following additional requirements are to be adhered to:
 - (i) The location of the noise monitor is to be photographed and documented for the record.

- (ii) The monitoring location is to be representative of the quieter areas of the proposal, and encapsulate the shielding at ground levels from road traffic noise naturally afforded by the built environment of the area. Monitoring data is not to be affected by any construction noise. The monitoring location must be determined in consultation with Council's Area Planning Manager.
 - (iii) A suite of baseline environmental noise statistics are to be reported, inclusive RBL_{A90} (both broadband and equivalent 1/1 octave band spectra), Period L_{Aeq} and repeatable highest $L_{Aeq, 1hr}$ levels.
 - (iv) The consultant is to undertake a series of attended measurements at varying elevations to account for the general elevated levels of road traffic noise and commercial noise in the area from medium distance sources. The consultant is to report on whether the unattended data is adequate to represent this impact with justification or undertake and report on further unattended monitoring as they see fit.
- (b) A minimum of seven days unattended noise monitoring is to be conducted in proximity to the front boundary to encapsulate road traffic noise emissions as they will be incident on the future building site. The data will be analysed and reported on and must comply with the requirements of (i), (iii), (iv) above in addition to the following:
- (i) The following noise metrics will be reported on in accordance with the NSW Road Noise Policy and AS1055:
 - a. L_{Amax} day 15 hour and L_{Amax} Night 9 hour,
 - b. L_{Aeq} day 15 hour and L_{Aeq} Night 9 hour,
 - c. A suite of noise statistics.
 - d. The consultant will provide distance corrections of the noise impact to the relevant levels of the building façade accounting for distance attenuation and façade exposure.

Following the completion of the noise monitoring set out above, the written report is to be submitted to and approved by the Council's Area Planning Manager prior to the issue of Construction Certificate. This report is also to be approved by Council's Area Planning Manager prior to the satisfaction of Condition 40 - "Compliance with the Acoustic Report".

***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.

(39) ADDITIONAL REPORTING REQUIRED – ROAD & ENVIRONMENTAL NOISE, BUILDING FACADE IMPACT ASSESSMENT

A suitably qualified acoustic consultant* is to be engaged to undertake and provide a written report to Council on the following scope of work:

- (a) The worst case repeatable LAeq 1 hour noise levels and L_{AMax} / L_{A1} sleep disturbance levels and any other environmental noise impact as associated with the use or the surrounding environment are to be reviewed to the satisfaction of the consultant. Following this, the consultant is to document relevant noise impacts to adequately describe the noise impact across the facades of the building for noise performance planning purposes and for review in the written report.
- (b) The relevant design criteria in accordance with the use of the internal spaces will be reviewed and documented with regard the building façade, level, and space. The criteria will be determined in accordance with Section 5.5.6: Acoustic & Visual Privacy of the South Sydney Development Control Plan 1997: Urban Design – Part G: Special Precinct No.9 Green Square (Lachlan Precinct) and Cls 101-102 of the State Environmental Planning Policy (Infrastructure) 2007.

Note: For satisfaction of Cl101 in a commercial space, the design requirement will be that the worst repeatable L_{Aeq (1hour)} achieves compliance with the relevant satisfactory level in AS2107.

- (c) Noise performance reduction requirements of the composite façade construction are to be reviewed and determined from the levels outlined as per (a) and (b) above. This is to be documented in the written report.

Following the completion of the assessment set out above, the written report is to be submitted to and approved by the Council's Area Planning Manager prior to the issue of Construction Certificate. This report is also to be approved by Council's Area Planning Manager prior to the satisfaction of Condition 40 - "Compliance with the Acoustic Report".

*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.

(40) COMPLIANCE WITH THE ACOUSTIC REPORT

- (a) Where not in conflict with the requirements given in part (b) of this condition, all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acouras Consultancy, dated 11 June 2014, referenced; SYD 2014 – 1031 – R001D must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority. The requirements of part (b) of this condition are to override any conflict with the above report.

(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* to be in accordance with the requirements set out below. Specifically, the consultant is to prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority which addresses the following requirements:

- (i) Facade construction methodologies will be to a written noise performance specification approved by the Council's Area Planning Manager in accordance with Condition 39 - "Additional Reporting Required – Road and Environmental Noise, Building Facade Impact Assessment".
- (ii) Environmental baseline noise levels approved by Council's Area Planning Manager in accordance with Condition 38 - "Additional Reporting Required – Baseline Environmental Noise Levels" will be those used by the consultant for establishing planning noise performance metrics such that the general noise emissions from the building will be controlled to comply with Condition 41 - "Noise – General". Furthermore, the consultant is to prepare a summary report of how the development will comply with Condition 41 "Noise – General" for submission to and approval of Council's Area Planning Manager. This report must detail all identified noise sources assessed to ensure the development will comply with condition 41 - "Noise - General". The report must identify all noise emissions sources and correlating noise contributions to the nearby noise sensitive receivers (including receivers within the development itself), and an overall emissions level that is predicted to comply with Condition 41 - "Noise - General".

Note: Entertainment noise is to be reported on separately in accordance with part (iii) below.

- (iii) Environment baseline noise levels approved by the Council's Area Planning Manager in accordance with Condition 38 - "Additional Reporting Required – Baseline Environmental Noise Levels" condition will be those used by the consultant for establishing planning noise performance metrics for cumulative noise emissions from any future commercial premises associated with the development such that the cumulative entertainment noise emissions criteria from the development will be controlled to comply with Condition 42 - "Noise - Entertainment". Furthermore:

- a. The consultant is to calculate and define the maximum allowable Entertainment Noise Emissions which may emerge from the collective facades of the entertainment premises such that the collective noise emissions will not exceed Condition 42 - "Noise - Entertainment". This is to be submitted to and approved by Council's Area Planning Manager.

- b. Any noise limits that are defined for individual commercial tenancies in the above report will constitute noise limits imposed by this consent. Any recommended noise treatments, in the report will constitute requirements imposed by this consent.
- (iv) Sound Isolation Ratings of floors are to achieve a minimum performance specification of $L_{n,w} + CI \leq 55$ where they separate habitable rooms of residential premises. Habitable room is taken to mean the definition given in the NCC. Otherwise, the NCC or any superior written requirement affected through this approval will prevail.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifying Authority 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.

(41) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, air conditioning and vehicle movements on the property (excluding entertainment noise) 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 EPA 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 EPA 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 EPA Industrial Noise Policy are applicable.

- (b) A cumulative LAeq,15 minute noise level emitted from the use must not exceed the LA90, 15 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 noise sensitive 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 LAeq,15 minute noise level and the LA90,15 minute noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (iii) The relevant background noise level (LA90, 15 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 EPA 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 EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(42) NOISE - ENTERTAINMENT

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the commercial uses on site must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.

- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the $L_{A10, 15 \text{ minute}}$ 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.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

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

A site specific Demolition, Excavation and Construction Noise and Vibration Management Plan shall be submitted to and approved by the Area Planning Manager prior to issue of any Construction Certificate.

The Demolition, Excavation and Construction Noise and Vibration Management 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 Demolition, Excavation and Construction Noise and Vibration Management Plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) The proposed hours of all construction and work on the development including building / demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc), in connection with the proposed development.

- (c) 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 7.00am 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (h) 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.
- (i) 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.

(44) COMPLIANCE WITH DEMOLITION, EXCAVATION AND 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 approved Demolition, Excavation and Construction Noise and Vibration Management Plan.
- (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 City of Sydney Construction Hours / Noise Code of Practice 1992, and the works are giving rise to substantiated complaints, then process for variation to the approval will be as follows:

- (i) The contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit.
- (ii) Approval to vary the authorised noise and vibration levels must be sought from, and then approved by, Council's Area Planning Manager to their satisfaction prior to activities being undertaken that exceed sanctioned emission levels.
- (iii) This, and any variation to the above approved process will be in accordance with the terms and process given in Condition 45 - Use Of Intrusive Appliances and Variation to Construction Approval.

(45) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or 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", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) The proposed hours and days of operation;
- (b) The tasks that the equipment will be used for;
- (c) Justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) Provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) Indicate a timeframe for completion of the associated task;
- (f) Provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations; and
- (g) Such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

(46) NO SPEAKERS OR MUSIC OUTSIDE – RESIDENTIAL RECREATIONAL SPACES

Permanently installed speakers and/or noise amplification equipment for the playing of music must not be installed in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(47) NOISE PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED – RESIDENTIAL RECREATIONAL SPACES

- (a) A suitably qualified acoustic consultant is to be engaged by the proponent who is to prepare a Noise - Plan of Management (NPOM) which is to be adopted by the STRATA and or Building Management.
- (b) A Noise Plan of Management checklist must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must address all outdoor recreational uses associated with the residential use/s and reflect methodologies to keep the good order and amenity of the neighbourhood.
- (c) The plan must include, but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
- (d) The plan must be submitted to and approved by the Area Planning Manager prior to a Construction Certificate being issued.

(48) OUTDOOR RESIDENTIAL RECREATIONAL AREAS – LIMITATIONS OF USE

The outdoor recreational areas not associated with commercial uses and which are not land freely open to the public, that is, are restricted access to residents of the building, are subject to the operational terms of this condition. These areas are:

- (a) To be for the private recreational use of residents of the building and their visitors;
- (b) Are not to be used for holding commercial functions unless lawfully approved; and
- (c) To not emit a noise level in excess of Condition 42 - "Noise – Entertainment" at any time, and not to create an audible noise within a habitable room in any neighbouring residential site (not within the development itself) on any day after 10.00pm and before 7.00am.

(49) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation for the 3 x retail premises and 1 x food and drink premises at ground floor level ("Level 1" plan) within the Archibald Avenue building are restricted to between 7.00am to 7.00pm Monday to Saturday inclusive and 9.00am to 6.00pm on Sunday.

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

- (a) 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	\$445,346.07
Public Domain	\$274,307.50
New Open Space	\$2,137,340.83
New Roads	\$542,824.28
Accessibility	\$22,514.14
Management	\$24,342.98
Total	\$3,446,675.80

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

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

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 December 2014.

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.

- (b) The Section 94 contributions payable in condition 50(a) above may be offset in accordance with the terms of the Planning Agreement required to satisfy Deferred Commencement Condition (1).

(51) 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 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 \$2,679,211.50 based on the in lieu monetary contribution rate for non-residential development at \$58.04 per square metre of total non-residential floor area (204sqm), and for residential development at \$174.19 per square metre of total residential floor area 15,313sqm. 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 2015 to 28 February 2016), 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 2015 to 28 February 2016).

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 (\$)).

(52) SHARED/INTEGRATED BASEMENT AND BREAKTHROUGH PANELS

Provision shall be made for breakthrough panels in the basement into the adjoining site to the east (legally known as Lot 1 in DP 789787 with a street address of 44-48 O'Dea Avenue) to allow for a future shared/integrated basement between the two sites and the sharing of the subject development's vehicular access from Sam Sing Street.

As required through the Planning Agreement, a Right of Carriageway and associated Positive Covenant are to be created on Title over the part of the site used for vehicular access in favour of the adjoining site to the east (described above) to provide formal rights of access over the site.

(53) PROTECTION OF AIRPORT AIRSPACE - MAXIMUM BUILDING HEIGHT

The Sam Sing Street tower building must not exceed a maximum height of 90.35 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

(54) PROTECTION OF AIRPORT AIRSPACE - OBSTACLE LIGHTING

The building must be obstacle lit at night with medium intensity steady red lights. The obstacle lights are to be arranged so as to at least indicate the points or edges of the object to ensure the object can be observed in a 360 radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes.

(55) PROTECTION OF AIRPORT AIRSPACE – APPROVAL FOR CRANES

Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building. 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.

(56) PROTECTION OF AIRPORT AIRSPACE – CERTIFICATION OF FINISHED BUILDING HEIGHT

At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

SCHEDULE 1B**Prior to Construction Certification/Commencement of Work/Health and Building**

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Approvals Unit to discuss the requirements prior to submission of the application for construction certificate.

(57) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by SMEC Testing Service (September 2014), titled “Revised Remedial Action Plan, Land at 40a and 40b O’Dea Avenue, Waterloo, New South Wales for JQZ”, Report No. 14/1295A and the Letter of Interim Advice prepared by James Davis of Enviroview Pty Ltd, NSW EPA Contaminated Land Site Auditor, dated 4 September 2014, reference no. IA 0301-1413_01. 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’s Area Planning Manager 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.

(58) UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(59) SITE AUDIT STATEMENT

Prior to any new above ground development (excluding works associated with consent D/2014/428/A including the demolition of the buildings, the removal of concrete slabs and hardstand areas and building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor and submitted to Council's 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 and 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.

(60) 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.

(61) 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.

(62) 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.

(63) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(64) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of façade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the WorkCover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted).
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
- (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.
 - (xv) Disconnection of utilities.

- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
 - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any WorkCover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(65) 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 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.

(66) 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;
 - (iii) 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).

(67) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

Attention is drawn to requirements with respect to the following:

- (a) Protection of openings – Part C3, window openings adjoining the eastern boundary;
- (b) Provision for escape (access and egress) – Part D1, Clause D1.4, travel distances from unit entrance doorways to exits at Levels 3 and 4;
- (c) Fire fighting equipment - Part E1, in particular the requirements of Clause E1.8;
- (d) Lift installation - Part E3, in particular the requirements of Clause E3.4; and
- (e) Sanitary and other facilities - Part F2, in particular the provision of facilities to the ground floor (“Level 1” plan) food and drink premises and retail premises.

Note: If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved an alternative solution in accordance with Part A0 of the BCA must be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied.

(68) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

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

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the Environmental Planning and Assessment Regulation, 2000.

(69) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

(70) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the Building Code of Australia the proposed office / shop layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

(71) LANDSCAPING OF THE SITE

- (a) The landscape plans (Ref: S14-0043 – Issue C) dated 5 June 2014 prepared by Clouston Associates submitted as part of the development application documentation have not been approved as part of this consent. The landscape plans need to be updated to reflect the approved architectural plans in terms of relevant detailing, particularly in relation to Reduced Levels (RLs).
- (b) Detailed landscape plans, 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, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.

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

(72) GREEN ROOFS

- (a) Detailed drawings of the green roofs (including all tower gardens, roof gardens and podium landscapes), drawn to scale by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The drawings must include:
 - (i) A statement that includes details of proposed use of all green roofs, general accessibility as well as noise and privacy treatments;
 - (ii) Location of existing and proposed structures, services and hard landscaping, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
 - (iii) Final details of all play equipment, shade structures, outdoor tables/seating and any other structures to be erected on all roof gardens and how they will be securely fixed to the roofs;
 - (iv) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (v) Details of the location, sizes and numbers of plants used, with reference to NATSPEC (if applicable) and with a preference for drought resistant local species;
 - (vi) Details of the soil media / substrate type and depth;
 - (vii) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport of materials etc;
 - (viii) Details of the parts of the green roofs which are accessible and inaccessible. Where proposed to be inaccessible, green roofs are required to remain such during occupation of the property;
 - (ix) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details need to be submitted and approved by the Principal Certifying Authority:
 - (i) Evidence the green roofs have been assessed as part of the structural certification provided for the development.

- (ii) Evidence the green roofs have been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved drawings is to be completed prior to an Occupation Certificate being issued.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property and a copy of the maintenance plan is to be kept on site at all times during construction and following completion and shall be produced to Council on request. The maintenance plan shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements, including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification.
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction.
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(73) 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.

(74) 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.

(75) 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).

(76) 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.

(77) PUBLIC DOMAIN PLAN

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

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(78) 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.

(79) 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.

(80) 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.

(81) DRAINAGE AND SERVICE PIT LIDS

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

(82) NOMINATED ENGINEERING WORKS SUPERVISOR – MAJOR INFRASTRUCTURE

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

- (a) A Chartered Civil Engineer, with National Professional Engineering Registration (NPER 3) in the construction of civil works, or
- (b) A survey company of Registered Surveyors with accreditation from the Institution of Surveyors NSW Inc, or

- (c) An accredited certifier in civil engineering, as its nominated engineering works supervisor, the responsibility of whom shall be to sufficiently supervise the works to ensure compliance with all relevant statutory requirements, all relevant conditions of development consent, construction requirements detailed in the above specification, and the requirements of all legislation relating to environmental protection and occupational health and safety.

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

(83) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 20 lineal metres of concrete 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.

(84) 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.

(85) 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.

(86) 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.

(87) DRAINAGE SYSTEM DESIGN

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

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

(88) TEMPORARY TURNING AREAS

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

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

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

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

(89) RAIN GARDENS AND CENTRAL SWALES

The location of the rain gardens and central swales as shown on the stamped approved plans is supported in principle. Final locations and design of the rain gardens and landscaped verge is to consider the following:

- Crossings and driveway entrances
- Sight lines
- Street lights and other services
- Maximum rainfall harvesting and overall stormwater management
- Street tree locations
- Good design practise

The design and construction of the rain gardens and central swales is to be undertaken in accordance with the City's Lachlan Precinct Civil Design Plans, Sydney Streets Technical Specification and submitted concurrently with the Public Domain Plans and Road Network and Geometric Road Design Plans for approval. The submission shall include as a minimum the following information:

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

(90) PHYSICAL MODEL

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

Note:

- (i) The model 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 model is to comply with all of the conditions of the Development Consent.
- (iii) The model must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act 1979) that affect the external appearance of the buildings.

(91) SUBMISSION OF ELECTRONIC CAD MODEL PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to an Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed 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.

(92) 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.

(93) 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.

(94) 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.

(95) 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.

(96) 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).

(97) 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.

(98) LOT CONSOLIDATION

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

(99) 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 Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(100) 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.

(101) WASTE AND RECYCLING MANAGEMENT

- (a) The Waste Management Plan, prepared by Elephants Foot Recycling Solutions, Revision D, dated June 2014 accompanying this Development Application has not been approved by this consent.
- (b) The Waste Management Plan is to be updated to reflect the approved development. It is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (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.

(102) WASTE MANAGEMENT FACILITIES - RESIDENTIAL

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

- (a) residential garbage rooms are to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for the cleaning, draining and management of the rooms;
- (b) the maximum travel distance between the storage point and collection point for all residential waste and recycling receptacles shall be no more than 10 metres;
- (c) waste and recycling receptacles are to be stored on the property at all times with a Council access key for servicing;
- (d) unimpeded access shall be provided for collection vehicles between 6.00 am and 6.00 pm on collection days;

- (e) clearance height for access by collection vehicle must be no less than 3.6 metres at any point if vehicle is required to enter site to service bins;
- (f) under no circumstances are commercial tenants to have access to residential waste and recycling bins. Commercial tenancies are to have their own dedicated waste facility;
- (g) a storage area for discarded bulky items must be provided within the development;
- (h) waste and recycling containers will not be supplied until construction of the development is completed, unless otherwise arranged with the City of Sydney's Waste Services Team; and
- (i) the development must have a residential rating (or an application made for one) prior to the provision of a City of Sydney waste service.

(103) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

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

(104) WASTE/RECYCLING COLLECTION - COMMERCIAL

The collection of commercial waste and commercial recycling 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.

(105) DISCHARGE OF CONTAMINATED GROUND WATER

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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(106) 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.

(107) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(108) SURVEY

All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

(109) 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.

(110) 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.

(111) 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.

(112) 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.

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) 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.

(118) USE OF MOBILE CRANES

The following requirements apply:

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

SCHEDULE 1D

(119) ROAD DEDICATIONS

Prior to the issue of an Occupation Certificate for the development, the owner(s) of the site is to dedicate to the public as Public Road, the new roads shown upon approved drawing "Proposed subdivision plan. Reference 1763-DRAFT", prepared by Surveying Solutions and dated 6 March 2015, free of cost to Council, as follows:

- (a) The part of Archibald Avenue within the site, 17.14m wide;
- (b) The part of Sam Sing Street within the site, 9.14m wide and 14.04m wide; and
- (c) The part of Hatbox Place within the site, 4.7m wide.

(120) PLAN OF SUBDIVISION

A separate application is to be made to Council to obtain approval of the final Plan of Subdivision of the site and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979 to effect the dedications. Such subdivision, for dedication of Public Road only, does not require the issue of a Section 73 Subdivider Compliance Certificate from Sydney Water and must be consistent with the registered Planning Agreement for the development.

(121) RIGHT OF CARRIAGEWAY FOR “BREAKTHROUGH PANELS”

Prior to the issue of any Occupation Certificate, the final plan of subdivision is to include the creation of a documentary Right of Carriageway and associated Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919. The Right of Carriageway is to be created over the vehicle access from Sam Sing Street and the basement aisles to the “breakthrough panels” at the common boundary with the adjoining property to the east which is legally known as Lot 1 in DP 789878, defined in stratum, including rights for garbage and other service vehicle access, and appurtenant to that property. The Positive Covenant is to be created in terms addressing rights and obligations of the dominant and servient tenement, to Council’s satisfaction.

(122) ROADWORKS DESIGN AND CONSTRUCTION

Detailed engineering, road, drainage, infrastructure and landscaping works, design and construction plans for construction of the new roads are to be submitted to Council’s Public Domain unit and approval gained prior to the issue of a Construction Certificate for the 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 those 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.

(123) CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the Environmental Planning and Assessment Act 1979, a Construction Certificate for the above Subdivision Work, being the construction of the "New Roads", is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

(124) PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the Environmental Planning and Assessment Act 1979, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

(125) COMPLETION OF SUBDIVISION WORKS

In accordance with Section 109J(2) of the Act, prior to the issue of the Subdivision Certificate for the subdivision for dedication purposes:

- (a) The Subdivision Work is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority.
- (b) The site is to be fully remediated in accordance with the requirements of Conditions 56, 57 and 58 of this consent and the Site Audit Statement is to be submitted to the Director City Planning, Development and Transport prior to issue of the Subdivision Certificate.
- (c) A separate application may be made to Council to exercise the provisions of Section 109J(2)(c) of the Act with regard to any incomplete works.

(126) PUBLIC UTILITY SERVICES

Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities with services to be installed in the new road/park have been satisfied with regard to the design and provision of those services.

Prior to the issue of the Subdivision Certificate, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities have been satisfied with regard to the completion of construction and installation of those services.

(127) 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.

(128) STRATA SUBDIVISION

Any proposal to Strata subdivide the building(s) occupying the residue lot in the above subdivision will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier under the Strata Schemes (Freehold Development) Act 1973.

(129) RESTRICTIONS ON USE OF LAND

Any such Strata subdivision is to include the creation of documentary Restrictions on Use of Land under Section 88B of the Conveyancing Act 1919:

- (a) In terms requiring that no part of the Common Property in the Strata scheme, 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, boats, trailers or the like, to the satisfaction of Council.
- (b) In terms prohibiting the use of the car parking spaces in the building(s) occupying those lots by those other than the residents, occupants and owners of the residential apartments within the building, and to Council's satisfaction. Alternatively, the provisions of Section 39 of the Act is to be exercised over any car parking utility lots in the scheme.
- (c) In terms prohibiting the use of residential apartments for short term accommodation such as hotel, serviced apartments, boarding house, tourist and back-packer accommodation, 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.

The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

- 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

INTEGRATED DEVELOPMENT – GENERAL TERMS OF APPROVAL

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

General

- (130)** 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.
- (131)** 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.
- (132)** 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

- (133)** 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.
- (134)** 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.
- (135)** A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.

- (136) 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.
- (137) 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.
- (138) 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

- (139) 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.
- (140) 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.
- (141) 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.
- (142) 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.

- (143) 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.
- (144) 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.
- (145) 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

- (146) 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 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 Ms Trainor -

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

Carried unanimously.

ITEM 8 SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE (S042755)

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

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

Carried unanimously.

Thursday 26 March 2015

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The meeting of the Central Sydney Planning Committee concluded at 6.04pm.

CHAIR