



CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 415
Thursday 10 September 2015
Notice Date 4 September 2015

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST	471
2. CONFIRMATION OF MINUTES	472
3. MATTERS ARISING FROM THE MINUTES	472
4. DEVELOPMENT APPLICATION: 19-29 MARTIN PLACE SYDNEY - MLC CENTRE	472
5. DEVELOPMENT APPLICATION: 189 - 197 KENT STREET SYDNEY	513
6. SECTION 96 MODIFICATION APPLICATION: 111-139 DARLINGHURST ROAD AND 224-226 VICTORIA STREET POTTS POINT - FORMER CREST HOTEL	522
7. DEVELOPMENT APPLICATION: 111-139 DARLINGHURST ROAD AND 224-226 VICTORIA STREET POTTS POINT - FORMER CREST HOTEL.....	528
8. DEVELOPMENT APPLICATION: 620-632 BOTANY ROAD ALEXANDRIA.....	572
9. DEVELOPMENT APPLICATION: 25-55 ROTHSCHILD AVENUE AND 5- 13 ROSEBERY AVENUE ROSEBERY	574
10. REPORT SUMMARISING DETERMINATIONS DELEGATED BY THE CENTRAL SYDNEY PLANNING COMMITTEE TO THE CITY OF SYDNEY.....	575
11. SUMMARY OF OUTSTANDING APPLICATIONS TO BE REPORTED TO THE CENTRAL SYDNEY PLANNING COMMITTEE	576
12. POST EXHIBITION – PLANNING PROPOSAL FOR AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 120 VICTORIA STREET POTTS POINT.....	576
13. PLANNING PROPOSAL: HERITAGE FLOOR SPACE AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012	576
14. GATEWAY AND PUBLIC EXHIBITION: 230-238 SUSSEX STREET SYDNEY - SYDNEY LOCAL ENVIRONMENT PLAN 2012 AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENTS	578

PRESENT

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

Members - Councillor Robert Kok, Mr Simon Manoski (Alternate Member to Mr Tim Hurst, Executive Director, Regions, Department of Planning and Environment), Councillor John Mant, Ms Gabrielle Trainor, Ms Darlene van der Breggen (Alternate Member to Mr Peter Poulet), and the Hon. Robert Webster.

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

The Lord Mayor, Councillor Kok, Mr Manoski, Councillor Mant, Ms Trainor, Ms van der Breggen and Mr Webster.

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

Apologies

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

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

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

That the apologies from Mr Hurst and Mr Poulet be accepted 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

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

That the minutes of the meeting of the Central Sydney Planning Committee of 6 August 2015, as circulated to Members, be confirmed.

Carried unanimously.

ITEM 3 MATTERS ARISING FROM THE MINUTES

There were no matters arising from the minutes of the meeting of the Central Sydney Planning Committee of 6 August 2015.

ITEM 4 DEVELOPMENT APPLICATION: 19-29 MARTIN PLACE SYDNEY - MLC CENTRE (D/2015/66)

Note - A memo dated 9 September 2015 from the Director City Planning, Development and Transport, Relevant to Item 4 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

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

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21(6) of the Sydney Local Environmental Plan 2012, that the consent authority waive the requirements of a competitive design process for the subject application as it is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 7.20(3) of the Sydney Local Environmental Plan 2012, that the consent authority waive the requirements for the preparation of a development control plan as it is considered to be unreasonable and unnecessary in this instance;
- (C) 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; and
- (D) consent be granted to Development Application No. D/2015/66, subject to the following conditions:

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/66, dated 22 January 2015, and the following drawings:

Drawing Number	Architect	Date
DA4-0706 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-0707 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-0708 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-0709 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-0710 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1010 Issue C	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1011 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1012 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1013 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1020 Issue C	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1021 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1022 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014

Drawing Number	Architect	Date
DA4-1023 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1030 Issue D	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1031 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1032 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1033 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1040 Issue C	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1041 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1042 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1043 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1050 Issue D	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1051 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1052 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1053 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1060 Issue D	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1061 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1062 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1063 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014

Drawing Number	Architect	Date
DA4-1070 Issue D	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1071 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1072 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1073 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1080 Issue D	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1081 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1082 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1083 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1090 Issue C	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-0091 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1092 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1093 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1100 Issue C	Harry Seidler & Associates Pty Ltd	8 January 2015
DA4-1101 Issue B	Harry Seidler & Associates Pty Ltd	8 January 2015
DA4-1102 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-1103 Issue A	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2000 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014

Drawing Number	Architect	Date
DA4-2001 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2002 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2010 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2011 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2012 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2020 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2021 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2022 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2030 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2031 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2040 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2041 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-2042 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3000 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3001 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3002 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3010 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014

Drawing Number	Architect	Date
DA4-3011 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3012 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3020 Issue C	Harry Seidler & Associates Pty Ltd	8 January 2015
DA4-3021 Issue C	Harry Seidler & Associates Pty Ltd	8 January 2015
DA4-3030 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3031 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3040 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3041 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3050 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3051 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3052 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3300 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3301 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3302 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3310 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3311 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3320 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014

Drawing Number	Architect	Date
DA4-3321 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3322 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3330 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3331 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3332 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3340 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3341 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3342 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3700 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3701 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3702 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3710 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3711 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3720 Issue B	Harry Seidler & Associates Pty Ltd	17 December 2014
DA4-3721 Issue B	Harry Seidler & Associates Pty Ltd	17 December 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 MODIFICATION

The design of the building must be modified as follows:

Castlereagh Street awning

- (a) Amended plans shall be submitted to illustrate that the proposed awning associated with the retail tenancies along the Castlereagh Street frontage of the site shall be lowered to be no higher than 4.2 metres above the footpath level in accordance with Section 3.2.4 of the Sydney Development Control Plan 2012. Amended plans shall be submitted that propose alternative options for Council's approval with regard to the design and materiality of the lowered awning.

Lees Court balconies

- (b) Amended plans shall be submitted to illustrate that the balcony projections over Lees Court located on Levels 8 and 9 of the development are reduced so as to extend no further than 450mm from the site boundary.

Re-grading of Rowe Street

- (c) Amended plans shall be submitted to regrade the section of Rowe Street located within the boundaries of the MLC Centre site to remove or reduce the hump. Included with any amended plans shall be documentation and/correspondence with the owners of 5 Martin Place to ensure the integration of the two sites at this junction.

Deletion of King Street retail tenancies 6.31 and 6.31A

- (d) No consent is given to the enclosure of the King Street Nervi "mushroom" structure with glazing to create retail tenancies. Amended plans shall be submitted to:
 - (i) illustrate the deletion of retail tenancies 6.31 and 6.31A located on Levels 6 and mezzanine level (illustrated on Level 7 plan) of the MLC Centre;
 - (ii) delete the curved glazing at Level 6 and redesign this area as part of the King Street public domain; and
 - (iii) illustrate a revised Level 7 glazing line setback to align with the tenancy boundary of retail tenancy 7.25.

Castlereagh Street entry lobby

- (e) Amended plans shall be submitted to illustrate further detail of the new Castlereagh Street level commercial building entry lobby. The glazed lobby structure must be constructed of curved glass and shall not be constructed with faceted glass panels.

The amended plans shall be submitted to, and approved by, Council's Director City Planning, Development and Transport prior to the issue of any Construction Certificate.

(2A) TREATMENT OF WESTERN ELEVATION OF PODIUM ADDITION FRONTING 5 MARTIN PLACE

Additional details shall be submitted for approval on the design, finishes and colour scheme of the western elevation of the podium addition that is visible from the interior of the adjacent property at 5 Martin Place. Additional plans and details shall be submitted to, and approved by, the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(3) NO CONSENT GIVEN TO SIGNAGE STRATEGY OR THE INSTALLATION OF ANY SIGNAGE

- (a) No consent is given or implied to the External Wayfinding & Signage Strategy, prepared by Buro North, dated 12 December 2014. No consent is given or implied to the installation of any signage proposed within this strategy.
- (b) A separate development application shall be submitted seeking approval for a comprehensive signage strategy for the signage zones associated with the podium redevelopment (including retail tenancies business identification signage zones). This signage strategy is prepared in parallel with a Retail Tenancies Fit-out Strategy for all retail tenancies within the podium redevelopment of the site.
- (c) The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(4) RETAIL FIT-OUT STRATEGY

A site specific retail tenancy fit-out strategy shall be developed for all retail tenancies within the podium of the MLC Centre. This retail fit-out strategy shall be submitted for approval to the City's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

The Strategy must include, but must not be limited to, the following:

- (a) signage and graphic zones for all business identification signage and corporate branding for the retail tenancies;
- (b) limitations on the extent of obstruction to the glazed shopfronts to maintain sightlines from the public domain into the tenancy. This should consider signage, installation of window film, setback of window displays from the glazing line and the like;
- (c) shopfront specific lighting strategies; and
- (d) integration of any security systems.

(5) LEES COURT & ROWE STREET DISPLAY CASES/PUBLIC ART

Further details shall be submitted on the exact location and design of the glass display cases and LED screens proposed on ground floor level (level 6) northern facade of Rowe Street and western facade of Lees Court. This is illustrated on the plans as being used for public art installations, promoting performances at the Theatre Royal and the Rowe Street Historical Society Memorabilia.

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.

(6) USE - SEPARATE DA REQUIRED

A separate development application for the fit-out and use of each newly created retail tenancy must be submitted to and approved by Council prior to that fit-out or use commencing.

(7) KING STREET PEDESTRIAN BRIDGE

The owner of the site shall make good the southern (King Street) facade of the site in the event that the existing pedestrian overpass bridge is removed in the future. These rectification works must be consistent with the existing facade treatment and shall be undertaken at no cost to the Council.

(8) 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 Harry Seidler and Associates, as submitted to Council with the development application on 22 January 2015.

(9) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 10.96:1 calculated in accordance with the Sydney Local Environmental Plan 2012 (SLEP 2012). For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 89,547.8sqm. Note: The FSR and gross floor area specified excludes any entertainment and club floor space and end of journey floor space pursuant to the provisions of the SLEP 2012.
- (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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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".

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) LOADING MANAGEMENT PLAN

- (a) A Loading Management Plan is to be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.
- (b) This Plan shall identify how access of the loading dock by Medium Rigid Vehicles will be managed.
- (c) Once approved, the loading dock on site must be managed in accordance with this plan at all time, and copies of the approved plan must be provided to all relevant staff, tenants and external users of the loading area.

(20) 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, and AS/NZS 2890.2 Parking facilities Part 2, with the exception of non-compliances as outlined in MLC Retail Podium Development Works Street and Access Arrangements, prepared by AECOM, dated 12 December 2014, as follows:

- (a) maximum ramp grade;
- (b) maximum ramp grade at property boundary; and

- (c) swept path clearances at the base of the ramp between B99 and Small Rigid Vehicle and between two passing Small Rigid Vehicles.

Details shall be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(21) PARKING EGREES TO REMAIN FREE OF OBSTRUCTIONS

Clear sightlines for vehicles exiting the site via the King Street ramp or from Lees Court must be provided by keeping the area around the property boundary and ramp free of obstructions, as shown on plan titled 'Driver Sight Lines to King Street' (drawing numbered 60303781-DRG-10-RD0080, prepared by AECOM, dated 14 November 2014).

Prior to the issue of any Construction Certificate, the Principal Certifying Authority shall confirm that all no physical visual obstructions are proposed to be located within the zone nominated as "obstruction free area, typical" on any construction drawings.

(22) 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 footway;
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; and
- (c) On completion of the future King Street cycleway, signage compelling drivers to "Give Way to cyclists" before crossing the cycleway.

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

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

- (a) Prior to 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.

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

(24) REFLECTIVITY

The façade shall be designed in accordance with the recommendations of the ‘MLC Centre Retail Podium Development Works’ reflectivity report, prepared by ARUP Pty Ltd, dated 15 December 2014.

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.

(25) COMPLIANCE WITH ACCESS REPORT

The recommendations of the MLC Centre Retail Podium Development Work Access Report, prepared by Morris-Goding Accessibility Consulting, dated 15 December 2014 shall be implemented in the final design. Details illustrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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.

(26) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(27) INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site 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 will be provided for the public.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to an Occupation Certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

(28) STREET TREES MUST BE RETAINED

Approval is NOT granted for the removal of any of the existing street trees in King and Castlereagh Streets, which Council has determined to be prominent landscape elements.

All existing street trees shall be retained and protected throughout the proposed development.

(29) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage; and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(30) STREET TREE PRUNING AND REMOVAL

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

- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(31) FACADE LIGHTING

The external lighting of the podium of the MLC Centre shall at all times be in accordance with both Section 5 of the report titled 'MLC Retail Podium Development – DA Building Services Report', prepared by ARUP Pty Ltd, dated 12 December 2014 and the City's Martin Place Lighting Masterplan, prepared by Steensen Varming, dated 18 February 2014.

(32) CONTROL OF LIGHT INTO THE ENVIRONMENT

The design and placement of lighting to the building facade and landscape features must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must also comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

Details prepared by a suitably qualified Lighting Designer/Consultant shall be submitted to the Certifying Authority to illustrate compliance with this condition.

(33) PROTECTION OF AMENITY

The intensity, colour, period of intermittency and hours of illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

(34) 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.

(35) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(36) 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.

(37) 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).

(38) 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.

(39) 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). **Note:** Re-use of existing Austral Black granite paving is encouraged in King and Castlereagh Streets, where possible.

- (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.

(40) 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.

(41) Works to Rowe Street and Lees Court

Prior to the issue of a Construction Certificate, the Applicant is to apply to Council, as roads authority for a consent under s.138 of the Roads Act 1993 to carry out the following works at its cost to the following public roads:

(a) Rowe Street

- (i) Preliminary investigative works to determine the extent of existing site conditions;
- (ii) Civil works including base preparation, raising or lowering pit levels with infill lids and construction of surface to City Of Sydney technical specifications with Austral Black granite paving;
- (iii) Protection of existing stone kerbs with new stone kerbs provided to infill gaps as required to the City's approval;
- (iv) Provision of stormwater drainage system to the City's approval;
- (v) Street lighting consisting of smart poles and/or wall mounted fittings to the City's approval; and
- (vi) Signage and other street furniture as may be required.

(b) Lees Court -"Redefine Lees Court as a shared zone to prioritise pedestrian permeability between King Street and Rowe Street with a raised Central Threshold, defined by flush kerbs and special format paving"

- (i) Preliminary investigative works to determine the extent of existing site conditions;
- (ii) Civil works including base preparation, raising or lowering pit levels with infill lids and construction of raised surface to City Of Sydney technical specifications with Austral Black granite paving;
- (iii) Protection of existing stone kerbs with new stone kerbs provided to infill gaps as required to the City's approval;
- (iv) Provision of stormwater drainage system to the City's approval;
- (v) Street lighting consisting of smart poles and/or wall mounted fittings to the City's approval; and

- (vi) Signage and other street furniture as may be required.

(42) 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.

(43) 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.

(44) 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.

(45) 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.

(46) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on all 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.

(47) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 135 lineal metres of granite 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.

(48) PUBLIC DOMAIN LIGHTING

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

(49) 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.

(50) 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.

(51) 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.

(52) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(53) 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.

(54) 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.

(55) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.

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

The site notice board must include the following:

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

(56) WASTE AND RECYCLING MANAGEMENT

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

(57) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(58) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the levels 1 to 9 must comply with the Building Code of Australia (BCA) including:
- (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;
 - (iii) Compartmentation and separation - Part C2;
 - (iv) Protection of openings - Part C3;
 - (v) Provision for escape (access and egress) - Part D1;
 - (vi) Construction of exits - Part D2;
 - (vii) Access for people with disabilities - Part D3;
 - (viii) Fire fighting equipment - Part E1;
 - (ix) Smoke hazard management - Part E2;
 - (x) Lift installation - Part E3;
 - (xi) Emergency lighting, exit signs and warning systems - Part E4;

Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

(59) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(60) 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 modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under section 96 of the Environmental Planning and Assessment Act 1979) that affect the external appearance of the building.

(61) 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.

(62) 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).

(63) DILAPIDATION REPORT

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report, including a photographic survey of 108-120 Pitt Street, Sydney (also known as 5 Martin Place) is 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.

(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 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.

(65) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);

- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(66) 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.

(67) SYDNEY WATER CERTIFICATE (QUICK CHECK)

- (a) The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92.
- (b) The Consent Authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the commencement of work.

(68) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(69) 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.

(70) 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 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding.

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.

(71) 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.

(72) 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.

(73) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(74) 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.

(75) 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.

(76) 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.

(77) 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.

(78) 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.

(79) 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.

(80) USE OF MOBILE CRANES

The following requirements apply:

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

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

SCHEDULE 2

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

SCHEDULE 3

TRANSPORT FOR NSW CONCURRENCE CONDITIONS

Transport for NSW has provided the following concurrence conditions under the provisions of Clause 86 of State Environmental Planning Policy (Infrastructure) 2007:

- (81)** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of Construction Certificate:
 - (a) Final Structural Drawings, prepared by Taylor Thomson Whitting Consulting Engineers (including cross-section drawings).
 - (b) If required by Sydney Trains, geotechnical report and numerical analysis that assess the change in ground movement or loading on the rail tunnel.
 - (c) The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (82)** Details of machinery to be used during works shall be provided to Sydney Trains for review and endorsement. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.
- (83)** No rock anchors/bolts are to be installed into RailCorp's property or easement.
- (84)** The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
- (85)** If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- (86)** If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (87)** If required by Sydney Trains, prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (88)** If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate, the Principal Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.
- (89)** If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to submit to RailCorp the methodology and staging of the works for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- (90)** Prior to the issuing of an Occupation Certificate, the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.
- (91)** Where a condition of consent requires endorsement from Sydney Trains the Principal Certifying Authority is not to issue a Construction Certificate or Occupation Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

Carried unanimously.

ITEM 5 DEVELOPMENT APPLICATION: 189 - 197 KENT STREET SYDNEY (D/2014/1900)

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

It is resolved that, pursuant to Section 80(1A) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2014/1900, subject to the following conditions:

SCHEDULE 1A

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

(1) STAGED DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application. A subsequent development application is required prior to commencement of any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development consent is limited to a Stage1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2014/1900, dated 9 December 2014 (as amended), and the following drawings:

Drawing Number	Architect	Date
SK – 401 A	FJMT	11.05.2015
SK – 402 A	FJMT	11.05.2015
SK – 403 A	FJMT	11.05.2015
SK – 404 A	FJMT	11.05.2015
SK – 511 A	FJMT	08.05.2015
SK – 512 A	FJMT	08.05.2015

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.

(3) MATTERS NOT APPROVED

The following matters are not approved and do not form part of this Stage 1 development consent:

- (a) Any demolition, excavation and/or construction;
- (b) The layout and number of residential apartments;
- (c) The number of basement levels and/or the configuration of the basement car parking levels;

- (d) The number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (e) The precise quantum of floor space; and
- (f) A 10% design excellence uplift in floor space ratio.

(4) LOCATION OF RESIDENTIAL LAND USES

No residential land uses are approved at Basement Level 4 (RL 12.00), Ground (RL24.40) and Level 1 (RL28.60).

(5) BUILDING ENVELOPES

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely contained within the approved envelopes and provide an appropriate relationship with neighbouring buildings.

(6) DESIGN EXCELLENCE

- (a) In accordance with the provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, a competitive design process shall be conducted prior to the lodgement of a Stage 2 development application (DA).
- (b) The detailed design of the development must exhibit design excellence.

(7) BUILDING HEIGHT

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

(8) FLOOR SPACE RATIO – CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding the above (a), the proposal may be eligible for a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (d) Any floor space ratio in excess 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.

(9) RESIDENTIAL LAND USE

- (a) The Stage 2 Development Application must be designed to comply with the principles of 'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development', the guidelines of the Apartment Design Guide (ADG), and the provisions of the Sydney Development Control Plan 2012.
- (b) The development shall be designed to be compliant with the dwelling mix requirements of Section 4.2.3.12 of the Sydney Development Control Plan 2012.
- (c) The development shall be provided with an area/s of communal open space in accordance with the requirements of the Apartment Design Guide (ADG) and Sydney Development Control Plan 2012.
- (d) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

(10) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of the future Stage 2 Development Application.

(11) WIND ASSESSMENT

- (a) Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and condition within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space.
- (b) Any recommendations of the wind tunnel testing required by (a) above, shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

(12) AUSGRID

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of the Ausgrid network are maintained.
- (b) Details of the consultation undertaken are to be provided with the Stage 2 Development Application.

(13) CONTAMINATION – DETAILED ENVIRONMENTAL SITE ASSESSMENT

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

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

- (b) Where the Detailed Environmental Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before scheduled conditions of consent can be activated.
- (c) The RAP and NSW EPA Accredited Site Auditors review and statement must be submitted to Council's Health and Building Unit for review and written approval before a schedule of conditions of consent can be activated.

(14) COMPLIANCE WITH ACID SULPHATE SOILS MANAGEMENT PLAN

All recommendations contained in the Preliminary Site Investigation, prepared by Aargus and dated 13 November 2014, must be implemented.

(15) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan must be prepared and submitted with the Stage 2 Development Application.

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

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

- (a) Identification of noise sensitive receivers near to the site.

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

Note: Monitoring data must be conducted in full accordance with the NSW EPA Industrial Noise Policy to include 7 days non-weather affected data for a residential use and not more than the permitted number of excluded events

(16) RESIDENTIAL ACOUSTIC AMENITY

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with the Stage 2 Development Application in accordance with the provisions of the Sydney Development Control Plan 2012.

(17) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the Stage 2 Development Application.

- (b) 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/NZA 2890.2 Parking Facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking Facilities Part 6 : Off-street parking for people with disabilities.

(18) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for residents and employees is to be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at-grade in an easily accessible and visible location.

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

(19) LOADING WITHIN THE SITE

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

(20) 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.

(21) VEHICLE ACCESS

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

(22) CAR SHARE SPACES

Car share parking spaces are to be provided in accordance with the Sydney Development Control Plan 2012.

Note: It is recommended that the Applicant discuss the proposed location of car share parking spaces with car share operators during the detailed design process to ensure that the needs of the developer and the commercial requirements of the car share operator can be accommodated.

(23) 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.

(24) SERVICE VEHICLE SIZE LIMIT

The Stage 2 Development Application must include a swept path assessment for the largest vehicle to access the proposed servicing area.

(25) TRANSPORT ACCESS GUIDE

A Transport Access Guide, including a strategy for the future availability of the Guide to all residents, employees and/or visitors to the site, is to be submitted with the Stage 2 Development Application.

Note: Transport Access Guide requirements are detailed in section 7.7 of the DCP. Information about preparing Travel Plans is also available on Council's website.

(26) VEHICLE LIFT

The Stage 2 Development Application must include details of the proposed vehicle lift system, including an assessment of vehicle queuing and consequential impacts on the road network, if any.

(27) CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE (CSTTC)

The subject site falls within the CSTTC boundary. The application also triggers the requirement for determination by the Central Sydney Planning Committee (CSPC) due to the estimated cost of works. All CSPC items falling within the CSTTC boundary are subject to consideration by the CSTTC.

As such, the Stage 2 Development Application is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) Impact on the road network;
- (b) Future economic welfare and development of Sydney and the State;
- (c) Efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) Maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) Efficiency and traffic safety of the public transport network in the Sydney CBD; and
- (f) Needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(28) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Section 7.4 of the Sydney Development Control Plan 2012 and shall be submitted with the Stage 2 Development Application.

(29) WASTE COLLECTION

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

(30) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An Access Report shall be submitted with the Stage 2 Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(31) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) The 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.

(32) 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 any Stage 2 Development Application for the site. 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 Stage 1 approved 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 for Stage 2 development.
- (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.

SCHEDULE 2

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

Carried unanimously.

ITEM 6 SECTION 96 MODIFICATION APPLICATION: 111-139 DARLINGHURST ROAD AND 224-226 VICTORIA STREET POTTS POINT - FORMER CREST HOTEL (D/2013/1747/A)

Moved by the Chair (the Lord Mayor), seconded by Mr Webster -

It is resolved that consent be granted to Section 96 Modification Application No. D/2013/1747/A, subject to the amendment of Condition (1) Approved Development and Condition (10) Contamination Investigation, with modifications shown in ***bold italics*** (additions) and ~~***bold italics strikethrough***~~ (deletions), as follows:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2013/1747, dated 12 November 2013, and the following drawings:

Drawing Number	Architect	Date
<i>A-2911 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>A-2921 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>A-2913 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>A-501 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>A-502 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>A-503 Rev 03</i>	<i>SJB Architects</i>	<i>24/06/14</i>
<i>1667.ENV.25</i>	<i>Durbach Block Jagers</i>	<i>March 2015</i>
<i>1667.ENV.26</i>	<i>Durbach Block Jagers</i>	<i>March 2015</i>
<i>1667.ENV.27</i>	<i>Durbach Block Jagers</i>	<i>March 2015</i>
<i>1667.ENV.28</i>	<i>Durbach Block Jagers</i>	<i>March 2015</i>

and as amended by the conditions of this consent.

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

(Amended 10 September 2015)

(2) NOT APPROVED

Consent is not granted for the following:

- (a) Any physical works demolition, refurbishment and / or excavation.
- (b) That layout and number of residential units, commercial spaces and car parking spaces.
- (c) The design of the building exteriors including facades and roofs.
- (d) Public domain and landscape design.
- (e) An additional 10% bonus height or floor space.
- (f) Any wind breaks or signage at roof level.
- (g) Any proposed works on Council's land at the southern tip of the site.

(3) BUILDING HEIGHT

The height of the building must not at any point exceed 55 metres as defined by Sydney Local Environmental Plan 2012, including any roof top plant or wind breaks.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

No approval is granted by this consent for a quantum of floor space. The final floor space must comply with the provisions of *Sydney Local Environmental Plan 2012*.

(5) AMENDMENT TO BUILDING ENVELOPE

Prior to the endorsement of any competition brief relating to the site, the building envelope must be amended so that no part of the envelope exceeds the 55m height limit, and provided to competition participants.

(6) STAGE 2 DEVELOPMENT

- (a) Any Stage 2 development application must be contained wholly within the approved building envelope.
- (b) Any Stage 2 development application must include measures for the ongoing protection of the memorial planting located adjacent to the southern corner of the site.

(7) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE

Any Stage 2 Development Application must comply with all aspects of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the Residential Flat Design Code (RFDC). A detailed table of compliance is to be submitted with any Stage 2 Development Application.

(8) STAGE 2 DESIGN MODIFICATIONS

Any Stage 2 development application must incorporate the following design modifications:

- (a) The wrap-around awning extending across the southern elevation is not supported. Any future competition brief or Stage 2 development application must not include any awning to the southern elevation.
- (b) The continuous awning to Victoria Street is not supported. Any future competition brief or Stage 2 development application should include entry awnings to the western elevation at an appropriate height and scale.
- (c) The garden bed on Council land at the southern tip of the site is to be excluded.

(9) COMPETITIVE PROCESS

- (a) A competitive process must be held in accordance with Clause 6.21 of *Sydney Local Environmental Plan 2012* and Clause 3.3 of Sydney DCP 2012. The competition must be held before the lodgement of any Stage 2 development application for the site.
- (b) The Stage 2 development application and competition brief must address the following:
 - (i) Modulation to break up the apparent building length and appropriate articulation of all facades.
 - (ii) The scale and rhythm of the podium facade should relate to the vertical proportions and grain established along Darlinghurst Road.
 - (iii) Design and location of appropriate passive shading devices to exposed facades.
 - (iv) A significant proportion of residential units with double height spaces and dual aspects should be provided in order to provide adequate cross ventilation and compensate for low floor to ceiling heights.
 - (v) Residential uses on the first floor of the podium is not supported. Consideration must be given to appropriate types and distribution of commercial and residential uses within the lower levels of the building, particularly with regard to residential amenity.
 - (vi) The distribution of height and bulk should minimise potential view impacts on surrounding development. In particular, careful consideration must be given in determining the appropriate location of any bonus floor space or height that may be awarded.
 - (vii) The provision of quality private and communal landscaped open space, having regard to site conditions. It should be noted that winter gardens may be appropriate in this location, however these would be included in floor space calculations.

- (viii) An appropriate mix of residential units must be provided in accordance with Sydney Development Control Plan 2012.
 - (ix) Opportunities for increased activation on Victoria Street.
 - (x) Opportunities to incorporate public art, in accordance with the City of Sydney Public Art Policy.
 - (xi) Opportunities to incorporate high quality communal green roof and communal landscaping within the site.
 - (xii) Requirements of RailCorp contained in condition 11.
 - (xiii) The ability of the proposed development to comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.
- (c) The competition brief must include as an attachment the planning assessment report prepared for the Stage 1 development application, including attachments, but excluding attachment B.
 - (d) The competition brief must not include indicative floor plans prepared by SJB Architects as part of the submission for the Stage 1 development application.

(10) ~~CONTAMINATION INVESTIGATION~~

~~Any Stage 2 development application must be accompanied by a detailed contamination investigation prepared by a suitably qualified consultant.~~

~~*(Deleted 10 September 2015)*~~

(11) RAILCORP REQUIREMENTS

Any future Stage 2 development application must satisfy the following requirements of RailCorp:

- (a) An accurate survey locating the development with respect to the rail boundary and rail infrastructure must be provided. The survey is to be prepared by a registered surveyor to the satisfaction of RailCorp.
- (b) A services search is to be conducted to establish the existence and location of any rail services. The services search is to be conducted using equipment that will not have any impact on rail services and signalling. Should rail services be identified, the applicant must contact RailCorp to determine whether these services should be relocated or incorporated within the development site.

- (c) A Geotechnical Engineering Report is to be submitted to RailCorp for review and must demonstrate that the development of the site will not impact on the rail corridor or on the structural integrity of rail infrastructure through loading and ground deformation. The report must include structural design details/ analysis and is required to address the potential impact of any demolition or excavation and vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.

(12) ACOUSTIC REPORT

The building must provide high levels of acoustic attenuation for occupants when windows are closed. Any future Stage 2 development application must be accompanied by the following:

- (a) An acoustic report prepared by a suitably qualified acoustic consultant * must be submitted as part of any Stage 2 development application. The acoustic report must include noise control measures to ensure that habitable rooms will not be affected by offensive noise from the occurrence of any structure and/or airborne noise resulting from operational activities conducted within neighbouring licensed premises, including operation of premises located within the site.
- (b) The internal noise criteria adopted for residential premises shall be in accordance with the City of Sydney noise criteria used for licensed premises below rather than Australian Standards:
 - (i) 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 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
 - (ii) 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.
 - (iii) Notwithstanding compliance with (a) and (b) above, 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) when assessed within a habitable room at any affected residential property between the hours of 7am and 12pm.
 - (iv) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
 - (v) 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 LA10, 15 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 LA90, 15 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 LA90 / rating L90 methodology to be in complete accordance with the process listed in Appendix B of the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

**Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics.*

(13) FLOODING AND OVERLAND FLOW

Any Stage 2 development application must include a flooding and overland flow report prepared by a suitably qualified engineer. The report must include, but not be limited to, the following information:

- (a) A review of the impact of overland flow and flooding in the area.
- (b) Set flood planning levels using the 100 year flood level for all entry points and lifts; and PMF flood level for all driveway accesses for the sites relevant frontages.

(14) PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section as part of any Stage 2 Development Application.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

(15) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted as part of any Stage 2 Development Application. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems; and
 - (vi) Details of green walls and green roof treatments.

SCHEDULE 2

PRESCRIBED CONDITIONS

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>

Carried unanimously.

ITEM 7 DEVELOPMENT APPLICATION: 111-139 DARLINGHURST ROAD AND 224-226 VICTORIA STREET POTTS POINT - FORMER CREST HOTEL (D/2015/331)

Moved by the Chair (the Lord Mayor), seconded by Mr Webster -

It is resolved that consent be granted to Development Application No. D/2015/331, subject to the following conditions:

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/331 dated 13 March 2015 and the following drawings:

Drawing Number	Architect	Date
1667.00 Rev	Durbach Block Jagers	27/02/15
1667.01 Rev	Durbach Block Jagers	27/02/15
1667.02 Rev	Durbach Block Jagers	27/02/15
1667.03 Rev	Durbach Block Jagers	27/02/15
1667.04 Rev B	Durbach Block Jagers	24/06/15
1667.05 Rev B	Durbach Block Jagers	24/06/15
1667.06 Rev	Durbach Block Jagers	27/02/15
1667.07 Rev	Durbach Block Jagers	27/02/15
1667.08 Rev	Durbach Block Jagers	27/02/15
1667.09 Rev	Durbach Block Jagers	27/02/15
1667.10 Rev	Durbach Block Jagers	27/02/15
1667.11 Rev	Durbach Block Jagers	27/02/15
1667.12 Rev	Durbach Block Jagers	27/02/15
1667.13 Rev	Durbach Block Jagers	27/02/15
1667.14 Rev	Durbach Block Jagers	27/02/15
1667.15 Rev	Durbach Block Jagers	27/02/15
1667.16 Rev	Durbach Block Jagers	27/02/15
1667.17 Rev	Durbach Block Jagers	27/02/15
1667.18 Rev	Durbach Block Jagers	27/02/15
1667.19 Rev	Durbach Block Jagers	27/02/15
1667.20 Rev	Durbach Block Jagers	27/02/15
1667.21 Rev	Durbach Block Jagers	27/02/15
1667.22 Rev	Durbach Block Jagers	27/02/15
1667.23 Rev	Durbach Block Jagers	27/02/15
1667.24 Rev	Durbach Block Jagers	27/02/15

Drawing Number	Architect	Date
1667.25 Rev B	Durbach Block Jagers	27/02/15
1667.26 Rev B	Durbach Block Jagers	24/06/15
1667.27 Rev	Durbach Block Jagers	27/02/15
1667.28 Rev	Durbach Block Jagers	27/02/15
1667.29 Rev	Durbach Block Jagers	27/02/15
1667.30 Rev	Durbach Block Jagers	27/02/15
1667.31 Rev	Durbach Block Jagers	27/02/15
1667.35 Rev A	Durbach Block Jagers	27/02/15
14092-DA01	Durbach Block Jagers	27/02/15
14092-DA02	Durbach Block Jagers	27/02/15
14092-DA03	Durbach Block Jagers	27/02/15
14092-DA04	Durbach Block Jagers	27/02/15
14092-DA05	Durbach Block Jagers	27/02/15
14092-DA06	Durbach Block Jagers	27/02/15
14092-DA07	Durbach Block Jagers	27/02/15

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) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 92.275 (AHD) to the top of the building and RL 91.55 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(3) SURRENDER OF NIGHTCLUB CONSENT

Prior to the issue of any Occupation Certificate, the landowner/developer shall surrender the development consents D/2008/189/C and D/2015/152 which relate to the use of the ground floor as the Goldfish Bowl nightclub, bottle shop, TAB and gaming room (and other development consents that specifically relate to the nightclub use of the ground floor), in accordance with the prescribed form 3 of the Environmental Planning and Assessment Amendment Regulation 1998.

The replacement use within the vacated ground floor area previously occupied by the nightclub uses is approved as retail shop (excluding any food and drink use), and trading between the hours of 8.00am to 7.00pm. However, a Development Application is to be lodged with Council for the new use/s.

(4) SURRENDER OF SIGNAGE CONSENT

Prior to the issue of a Construction Certificate, the landowner/developer shall surrender the development consent number U93/00716 which was approved on 27 August 1993, for '111-139 Darlinghurst road, Kings Cross', in accordance with the prescribed form 3 of the Environmental Planning and Assessment Amendment Regulation 1998.

(5) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the business use must not exceed 1.52:1; for the residential use must not exceed 7.26:1; and for the total must not exceed 8.78:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial component is 2,482sqm, for the residential component is 11,835sqm, and the total Gross Floor Area is 14,317sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) The apartment storage located on level 2 (Drawing No. 1667.06) is to be relocated to basement level 1 and reconfigured so that it is accommodated within the space occupied by the hydraulic plant which is identified on Drawing No. 1667.03 hydrant tank, sprinkler tank, pcw tank and pumps. The hydraulic plant is to be relocated to level 2 within the area identified as apartment storage on Drawing No. 1667.06. The hydraulic plant is to be appropriately treated in accordance with the relevant Australian Standards to ensure that any noise emissions from the operation of the plant complies with City of Sydney requirements. Amended plans detailing this change are to be submitted to the Director City Planning, Development and Transport for approval prior to the issue of a Construction Certificate.

(6) DESIGN QUALITY EXCELLENCE

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

(7) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Apartments 3.02, 3.07, 10.18, 13.08, and 14.08 must be redesigned as studio apartments as opposed to 1 bedroom apartments.
- (b) Apartments 10.01, 12.01, 13.01, 14.01, 15.01, 16.01, located at the southern end of the tower must be redesigned as 1 bedroom apartments as opposed to 2 bedroom apartments.
- (c) Studios on Levels 6, 8 and 10, and the immediately adjoining one bedroom apartments 6.16, 8.16 and 10.16 must be redesigned and amalgamated as 3, two bedroom apartments as opposed to separate studios and one bedroom apartments.
- (d) Adjoining apartments 12.02 and 12.03, 13.02 and 13.03, 14.02 and 14.03, 15.02 and 15.03, and 16.02 and 16.03 must be redesigned as 5 two bedroom apartments as opposed to adjoining one bedroom apartments.
- (e) The awning above the residential entrance from Victoria Street must be a minimum of 3.2 metres above footpath level.
- (f) One accessible parking space must be allocated to each adaptable apartment. Revised plans of the basement car parking levels are required to be submitted and approved.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

(8) CURVED GLAZING

The glazing to the southern elevation of the tower and the north-eastern corner of the tower from Levels 13 to 18 must be curved glass, not straight or faceted glass. Details of this glazing must be submitted for the approval of Council's Director City Planning, Development and Transport, prior to the issue of the Construction Certificate.

(9) FLOOR SLAB DETAILS

Prior to the issue of a Construction Certificate, adequate details are to be submitted for the approval of the Council's Director City Planning, Development and Transport. These are to include architectural details of the floor sections, based on surveyed existing slabs and extended new slabs that show the following: any slab deflection, any required slab reinforcement, drop down panels, ceiling including any required acoustic and thermal insulation/isolation, wet areas and balcony flooring and drainage, lighting, mechanical ventilation and fire service strategy and floor finishes. These details are to confirm that floor to ceiling heights of 2.4 metres are met in all habitable spaces.

(10) PUBLIC ART STRATEGY

A public art strategy for the site 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 written satisfaction prior to the issue of any Occupation Certificate.

(11) MEMORIAL PROTECTION

The adjoining memorial location on Council land does not form part of this approval. The memorial area is to be protected at all times during construction of the development and measures are to be approved by Council's Director City Planning, Development and Transport to achieve this, prior to the issue of a Construction Certificate.

(12) MATERIALS AND SAMPLES BOARD

A materials sample board detailing all proposed finishes must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(13) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 2 to 18) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential flat building” 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) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(14) SECTION 94 EASTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$104,416.69
Public Domain	\$209,956.94
New Open Space	\$1,638,057.36
Accessibility	\$16,524.08
Management	\$17,866.34
Total	\$1,986,821.41

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 – June 2015.

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.

(15) USE OF COMMON AREAS AND FACILITIES

- (a) The outdoor terrace and indoor recreation room on Level 2 must be available for the use of all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.
- (b) The use of the communal outdoor terrace on Level 2 must be restricted to between 7am and 10pm daily.

(16) 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.

(17) 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.

(18) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

(19) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

Air conditioners must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2008 and shall not:

- (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day; or

- (b) Emit a sound pressure level that when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background ($L_{A90, 15 \text{ minute}}$) by more than 5dB(A). The source and background noise level must be measured as an $L_{Aeq 15 \text{ minute}}$ and $L_{A90 15 \text{ minute}}$ in accordance with Australian Standard AS1055:1997, Acoustics – Description and measurement of environmental noise.

(20) AWNING MAINTENANCE

The awning must be inspected and maintained to ensure the structural integrity, aesthetic and functional quality of the awning.

(21) SIGNAGE STRATEGY

Consent is not granted for any commercial business signage as part of this consent. A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

(22) SUPERMARKET PLAN OF MANAGEMENT

The operation of the supermarket must always be operated / managed in accordance with the Plan of Management, dated 14 August 2015 that has accompanied this application and approval. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. In this regard, the Plan of Management is to be updated to reflect the conditions of this consent. The revised Plan of Management is to be approved by the City's Area Planning Manager prior to the supermarket use commencing.

(23) SHOPPING TROLLEY MANAGEMENT PLAN - MINOR

Should the use of shopping trolleys be required, a management plan must be submitted to and approved by Council prior to the use of trolleys. The management plan is to detail the proposed method of retaining trolleys on site, trolley tracking and trolley recovery. Trolleys must remain and be contained within the supermarket tenancy. The management plan must be implemented at all times during the use of shopping trolleys and is to be reviewed on an as needed basis or annually whichever is sooner. Any changes to the plan are to be approved by Council, in writing, prior to the amendment of the plan.

(24) SUPERMARKET AND RETAIL FIT-OUT

The future fit-outs of the supermarket and retail tenancies are to ensure that no fittings or shelves abut the glazed external walls. All shop shelving is to be set back at least one metre from the inside face of the glazing so as to not obscure shopfront visibility. The glass shall also not be tinted or obscured by blinds or the like.

(25) HOURS OF OPERATION - SUPERMARKET

The hours of operation of the supermarket are regulated as follows:

- (a) The hours of operation must be restricted to between 6.00am and 2.00am the following day, Monday to Sunday.

(26) SUPERMARKET DELIVERIES

- (a) Deliveries associated with the supermarket are strictly limited to between the hours of 7.00am and 6.00pm Monday to Saturday, or shall be within the times provided in the loading zone area in Victoria Street.
- (b) Deliveries must not be placed on the street or left outside of the property boundaries or in common areas of the building.
- (c) Delivery vehicles must not at any time obstruct the public way.

(27) HOURS OF OPERATION – LEVEL 1 RETAIL

The hours of operation of the other Level 1 retail tenancies are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 10.00pm, Monday to Sunday.

(28) NO SPEAKERS OR MUSIC OUTSIDE

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

(29) NO SPRUICKING NOISE

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

(30) WASTE/RECYCLING COLLECTION

- (a) The collection of waste and 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.
- (b) The development must have a residential rating or have applied for a residential rating prior to the commencement of Council waste services.
- (c) 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 commercial waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(31) 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.

(32) ACOUSTIC DESIGN

- (a) The proposed alterations must not affect the existing acoustic integrity of the building in relation to the control of noise emissions from the premises.
- (b) No additional equipment may be installed or changes made to the acoustic design unless certified by a suitably qualified acoustic consultant* that the equipment will not increase noise emissions from building.

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.

(33) ADDITIONAL VAN SERVICE SPACES

Two additional service spaces for delivery vans, in addition to the one space already provided, are to be accommodated within the basement levels of the development. These spaces are not to be allocated to any tenants or apartments and are to remain as common property on any future strata plan.

(34) 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	Up to a maximum of 33
Accessible residential spaces	No less than 21
Retail parking	2
Total	56

(35) 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.

(36) 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.

(37) 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".

(38) 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	139	Spaces must be a Class 1 or Class 2 (or combination)
Visitor (Residential)	14	Spaces must be Class 2 or Class 3 bicycle rails
Employee	10	Spaces must be Class 3 bicycle rails located on-site and at street level of Basement Level 1
Customer	14	Spaces must be Class 3 bicycle rails located on-site and at street level of Basement Level 1

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.

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

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

(40) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times by the Owners of the building.

(41) PARKING ON COMMON PROPERTY AREAS

No part of the common property 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.

(42) ACCESS DRIVEWAYS TO BE LEPT CLEAR

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

(43) SIGNS AT EGRESS

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

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

(44) TRAFFIC WORKS

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

(45) VEHICLE FOOTWAY CROSSING

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

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

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

(46) SAFETY BY DESIGN

The Private Certifier is to ensure that the design and security management recommendations in the Crime Risk Report are adhered to during the design development of the building.

(47) PROJECTIONS OVER PUBLIC ROAD

The proposed balconies and architectural embellishments attached to the building, shown as overhanging the footways of Darlinghurst Road and Victoria Street, must not overhang the alignments of those streets by more than 0.605m, and shall comply with the provisions of Schedule 4 ("Projections over or into public roads") of the Sydney Development Control Plan 2012 (except for the provision relating to a 450mm overhang).

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.

(48) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic Ref 20131019.3/0308A/R2/BW dated 03/08/2015 titled Noise Impact Assessment- Stage 2DA, must be implemented as part of the detailed design assessment and implemented into the design drawings.
- (b) The Private Certifier must ensure that all acoustic requirements to comply with Clause 87 of the Infrastructure SEPP will be designed and constructed into the development.

(48A) REDUCTION OF NOISE FROM EXTERNAL SOURCES

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report must be submitted to, and approved by the Principal Certifying Authority, demonstrating compliance with the requirements of the Sydney Development Control Plan 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 2 weeks;

- (ii) The repeatable maximum LAeq (1 hour) for the day time period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified; and
- (c) The repeatable maximum LAeq (1 hour) for residential buildings and serviced apartments must not exceed the following levels:
 - (i) For closed windows and doors with air-conditioning operating a limit of 38dB for bedrooms (10pm-7am) and 48dB for main living areas (24 hours); and
 - (ii) The operation of surrounding licensed premises shall not exceed the internal noise levels set above or where lesser background noise levels are achieved shall not exceed those background noise levels in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7am and midnight and shall be inaudible between midnight and 7am in all habitable rooms. All testing is to be conducted with windows and doors closed and air conditioning operating if required to obtain compliance with this condition.
- (d) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with this condition.

(49) 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.

(50) STRATA SUBDIVISION – DEVELOPMENT CONSENT

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

(51) LAND SUBDIVISION – SEPARATE DA REQUIRED

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

(52) TREES THAT MUST BE RETAINED

That the existing trees detailed in Table 1 below be retained and protected throughout the proposed development.

Table 1 – Tree Retention:

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

Tree No	Botanical/Common Name	Location
3x	Platanus acerifolia (Plane trees)	Street trees – Victoria Street
2x	Platanus acerifolia (Plane trees)	Street trees – Darlinghurst Road
1x	Jacaranda mimosifolia (Jacaranda)	Council owned garden area on southern side of building

(53) TREE PROTECTION DURING CONSTRUCTION

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

(54) STREET TREE PROTECTION

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

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion;
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.

- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(55) STREET TREE PRUNING

- (a) The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

(56) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

(57) DEMOLITION AND CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the construction certificate a site specific Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval.

The EMP must consider all potential environmental impacts from all activities conducted onsite as referenced in the Preliminary Construction Management dated 19 February 2015, including but not limited to sedimentation control, movement of waste materials, contamination containment, stockpiles, noise and vibration, air quality impacts, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan

(58) DEMOLITION 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) 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.

(59) 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.

(60) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must be largely in accordance with drawings 1402-DA02 to DA07, dated 27 February 2015, and 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; and
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
 - (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(61) 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.

(62) 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.

(63) 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).

(64) 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.

(65) PUBLIC DOMAIN PLAN

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

(66) 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.

(67) 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.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

- (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.

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.

(68) 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.

(69) 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.

(70) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Victoria Street and Darlinghurst Road frontage(s) 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.

(71) 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.

(72) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit 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.

(73) 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.

(74) 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.

(75) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all 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.

(76) MICROBIAL CONTROL IN WATER SYSTEMS

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

- (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(77) 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.

(78) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

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

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

(79) COOKING EQUIPMENT AND VENTILATION

Cooking must not commence until an air handling system, in accordance with Part F4.12 of the BCA is approved, installed and operational. Cooking is defined as the process of changing any food from raw to cooked by applying heat, and also includes the preparation of food by heating it. This definition does not include heating food in a microwave, a sandwich press, a toaster or similar, unless the kW or MJ combined or separate exceed that specified in the BCA, or if the use of such equipment generates excessive heat, condensation or grease. Cooking equipment that requires an air handling system is specified in AS1668.2 and BCA F4.12.

(80) COOLROOMS

Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia:

- (a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) A door which can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.

(81) DETAILED PLANS OF FOOD FITOUT REQUIRED

Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to a Construction Certificate being issued.

(82) FOOD PREMISES - HEALTH DATABASE REGISTRATION

The business is to be registered with Council's Health and Building Unit prior to the issue of an Occupation Certificate or occupation with an Interim Occupation Certificate (whichever is earlier).

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(83) GREASE TRAPS

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

(84) NO MECHANICAL VENTILATION – APPROVED EQUIPMENT LIST

The food business must submit to and gain approval from Council's Health and Building Unit, prior to the issue of an Occupation Certificate, the following:

- (a) A list detailing each item of cooking and heating equipment to be used within the premises including the maximum kW or MJ capacity of each. (To be known as the approved list). A copy of the approved list must be kept on the premises and be made available to any authorised officer of Council upon request.
- (b) The use of any cooking or heating appliance not listed on the approved list is prohibited.

Amendments to the approved list can be made subject to a written request to and approval from Council's Health and Building Unit.

(85) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

(86) WASTE ROOMS

- (a) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fitout of Food Premises, and must be:
- (i) Provided with a hose tap connected to the water supply;
 - (ii) Paved with impervious floor materials;
 - (iii) Coved at the intersection of the floor and walls;
 - (iv) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- (b) Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

(87) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence whichever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

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

The site notice board must include the following:

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

(88) 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.

(89) 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.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299,

is to be submitted to the Certifying Authority.

(90) 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) a receptacle holding area is to be provided within the property boundary at street level, within 10m of and at the same level as the standing area for Council's waste collection vehicle on Victoria Street adjoining the site for waste collection purposes,
- (b) 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,
- (c) the physical separation of residential waste from that generated by the commercial tenancy which is to be collected by a private contractor.

(91) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Building Code of Australia (BCA) including:
 - (i) Structural provisions - Part B1;
 - (ii) Fire resistance and stability - Part C1;

- (iii) Compartmentation and separation - Part C2;
- (iv) Protection of openings - Part C3;
- (v) Provision for escape (access and egress) - Part D1;
- (vi) Construction of exits - Part D2;
- (vii) Access for people with disabilities - Part D3;

Note: Compliance with the access provisions of Part D3 may necessitate design modifications prior to a Construction Certificate being issued.

- (viii) Fire fighting equipment - Part E1;
- (ix) Smoke hazard management - Part E2;
- (x) Lift installation - Part E3;
- (xi) Emergency lighting, exit signs and warning systems - Part E4;
- (xii) Damp and weatherproofing - Part F1;
- (xiii) Sanitary and other facilities - Part F2;

Note: For restaurants, cafes, bars and the like, sanitary facilities (including accessible facilities for persons with disabilities complying with AS 1428.1) must be provided for customers where more than 20 seats are provided, including seating for any future footway dining facilities.

- (xiv) Room sizes - Part F3;
- (xv) Light and ventilation - Part F4;
- (xvi) Sound transmission and insulation - Part F5;
- (xvii) Heating appliances, fireplaces, chimneys and flues - Part G2;
- (xviii) Atrium construction - Part G3;
- (xix) Places of public entertainment - NSW Part H101;
- (xx) Energy Efficiency - Building Fabric - Part J1;
- (xxi) Energy Efficiency - External glazing - Part J2;
- (xxii) Energy Efficiency - Building sealing - Part J3;
- (xxiii) Energy Efficiency - Air-conditioning and ventilation systems - Part J5;
- (xxiv) Energy Efficiency - Artificial lighting and power - Part J6;
- (xxv) Energy Efficiency - Hot water supply - Part J7;
- (xxvi) Energy Efficiency - Access for maintenance - Part J8.

Prior to a Construction Certificate being issued the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.4 of the BCA.

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

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

(93) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Certifying Authority) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(94) 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. – See Note.

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 EP&A Regulation, 2000.

(95) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(96) OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

If it is proposed to install a building maintenance unit or operate a hoisting device above a road (footpath) including swinging, hoisting material/equipment and slewing any part of the device, a separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 must be made to Council to obtain approval.

Note: Building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2011).

(97) SYDNEY TRAINS REQUIREMENTS

The following requirements of Sydney Trains are required to be met:

- (a) Prior to the issue of a Construction Certificate the applicant shall submit to Sydney Trains for endorsement a revised survey drawing showing all off-corridor rail services (obtained via a services search) that are in the vicinity of the proposed development. All information contained on the revised survey plans are to be also included on all structural drawings. Persons performing the services search shall use equipment that will not have any impact on rail services and signalling. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (b) Prior to the issue of a Construction Certificate the applicant shall submit to Sydney Trains for endorsement a Final Geotechnical Ground Investigation Report. Notwithstanding the notation on the structural drawings prepared by Taylor Thomson Whitting (TTW) that this investigation is to be conducted between Gridlines 1 and 4, the geotechnical investigation is to be undertaken in the area within 25m of the rail corridor. The Applicant shall obtain approval from Sydney Trains prior to the undertaking of any boreholes. The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains's Geotechnical section prior to the commencement of works. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
- (c) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of Construction Certificate:
 - (i) Final Structural Drawings prepared by Taylor Thomson Whitting Consulting Engineers (including cross-section drawings). The structural details are to take into account any recommendations from an acoustic expert regarding noise and vibration impacts from the rail tunnel.
 - (ii) Detailed Methodology regarding the installation of new footings.

- (iii) Details regarding the new loading on the rail tunnels/infrastructure as a result of the new works.
- (iv) If required by Sydney Trains, a numerical analysis that assess the change in ground movement or loading on the rail tunnel.
- (v) If required by Sydney Trains, a Ground Movement Monitoring Plan of the existing tunnels and/or Risk Assessment Report

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (d) Prior to any Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage (including mobile cranes) and other aerial operations to be used during all stages of work. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (e) All excavation/ground penetration works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. All footings are to be inspected by the geotechnical engineer to confirm design assumptions.
- (f) Details of machinery to be used during works shall be provided to Sydney Trains for review and endorsement. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.
- (g) No rock anchors/bolts are to be installed into Sydney Trains property or easement.
- (h) The Applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.
- (i) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (j) If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (k) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
- (l) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (n) If required by Sydney Trains, Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (o) The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the rail corridor.
- (p) If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the methodology and staging of the works for review and endorsement. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (q) Prior to the issuing of an Occupancy Certificate the Applicant shall provide Sydney Trains and Council as-built drawings and survey locating the development with respect to any rail boundary, Sydney Trains easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative. The as-built survey is to confirm that there has been no encroachment into any Sydney Trains land or easement area.

- (r) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

(98) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
- (i) The Swimming Pools Act 1992 and Regulations;
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools';
 - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
 - (iv) Protection of the Environment Operations Act 1997.

(99) SWIMMING POOL - WASTE AND OVERFLOW WATERS

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

(100) SWIMMING POOL/SPA

Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the Public Health (General) Regulation 2012. Note: Guidance may also be obtained from the NSW Health Department's Public Swimming Pool and Spa Pool Guidelines.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(101) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

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

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding.

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.

(102) 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.

(103) 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.

(104) 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.

(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) 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.

(107) 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.

(108) 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.

(109) RAINWATER HARVESTING & RAINWATER TANKS**(a) Use**

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

(b) Installation requirements

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

- (x) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
 - (xi) Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible “air gap” external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS /NZS 3500 - Minimum air gap requirements.
 - (xii) Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
 - (xiii) Water pumps are to be located so as not causing an “offensive noise” as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.
- (c) Proximity to other services
- That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.
- (d) Marking and labelling
- (i) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS 1345 can be used.
 - (ii) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.
 - (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.
- (e) Maintenance
- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 “Use of rainwater tanks where a reticulated potable supply is available” and any other local water utility requirements.

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

SCHEDULE 2

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>

Carried unanimously.

ITEM 8 DEVELOPMENT APPLICATION: 620-632 BOTANY ROAD ALEXANDRIA (D/2015/364)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Halina Rubenstein and Mr Aaron Sutherland.

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/364, subject to the submission of a Public Benefit Offer and the public exhibition of a Voluntary Planning Agreement with any submissions considered;
- (B) if the CEO determines to approve Development Application D/2015/364, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below; and
- (C) in determining the application, the CEO consider the draft conditions of consent, as shown in Part A below and Part B contained in the subject report to the Central Sydney Planning Committee on 10 September 2015, and any other relevant conditions:

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) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement be executed and submitted to Council in accordance with the Public Benefit Offer by SGS Projects Pty Ltd and dated 02/09/2015; and
 - (b) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement.
- evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
- the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as shown in Part B - Conditions of Consent (Once the Consent is in Operation) of the subject report, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 9 DEVELOPMENT APPLICATION: 25-55 ROTHSCHILD AVENUE AND 5-13 ROSEBERY AVENUE ROSEBERY (D/2014/1962)

Note - A memo dated 10 September 2015 from the Director City Planning, Development and Transport, Relevant to Item 9 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

The following person addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Walter Gordon.

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2014/1962, subject to the submission of a Public Benefit Offer in accordance with Clause 6.14 of the Sydney Local Environmental Plan 2012 and the public exhibition of a Voluntary Planning Agreement with any submissions considered;
- (B) if the CEO determines to approve Development Application D/2014/1962, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below; and
- (C) in determining the application, the CEO consider:
 - (i) the draft conditions of consent, as shown in Part A below:

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) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement in accordance with an appropriate Public Benefit Offer be executed and submitted to Council.
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement; and
 - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (ii) the draft conditions of consent as shown in Part B of the subject report to the Central Sydney Planning Committee on 10 September 2015, subject to the amendment of Condition (6) such that it read as follows, and any other relevant conditions -

“(6) MATTERS NOT APPROVED

The following items are not approved and do not form part of this Stage 1 development consent:

- (a) Subdivision of the site;
 - (b) Any tree removal;
 - (c) Any demolition, excavation and / or construction;
 - (d) The layout and number of residential apartments, retail premises or child care centre placements;
 - (e) The layout and number of car parking spaces, bicycle space, care share or loading spaces/zones;
 - (f) The precise quantum of floor space; or
 - (g) A 10% design excellence uplift in floor space ratio; and
 - (h) The precise location of the child care centre within Building 4C.”
- evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
 - the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied.
 - upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as shown in Part B – Conditions of Consent (Once the Consent is in Operation) of the subject report, subject to the amendment of Condition (6) as shown in clause C (ii) above, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 10 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 Mr Webster -

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

Carried unanimously.

ITEM 11 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.

ITEM 12 POST EXHIBITION – PLANNING PROPOSAL FOR AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 120 VICTORIA STREET POTTS POINT (S125009)

Moved by the Chair (the Lord Mayor), seconded by Mr Webster -

It is resolved that:

- (A) the Central Sydney Planning Committee consider the matters raised in response to the public exhibition of Planning Proposal: Sydney Local Environmental Plan 2012 - 120 Victoria Street, Potts Point, as shown in the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 - 120 Victoria Street, Potts Point, shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 September 2015 that authority be delegated to the Chief Executive Officer to make any minor changes to Planning Proposal - Sydney Local Environmental Plan 2012 - 120 Victoria Street, Potts Point to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

ITEM 13 PLANNING PROPOSAL: HERITAGE FLOOR SPACE AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (X001004)

Note - A memo dated 9 September 2015 from the Director City Planning, Development and Transport, Relevant to Item 13 at the Central Sydney Planning Committee, was circulated to members prior to the meeting of the Committee.

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

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;

- (B) the Central Sydney Planning Committee approve Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012, shown at Attachment A, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the following recommended changes to the recommendation to Council's Planning and Development Committee on 8 September 2015 that authority be delegated to the Chief Executive Officer to develop the details of the Draft Alternative Heritage Floor Space Allocation Scheme as follows:
 - (i) the developer is to demonstrate that they have made genuine and ongoing efforts to obtain Heritage Floor Space and have been unable to do so;
 - (ii) the developer agrees to obtain the Heritage Floor Space by a specified date following the commencement of construction or, alternatively, pay a monetary contribution equal to the market value of the Heritage Floor Space, plus an uplift amount towards a heritage conservation fund to be established by Council;
 - (iii) the developer is to provide a bank guarantee to Council for an amount equal to the current market value of the Heritage Floor Space required plus an uplift amount;
 - (iv) the amount of the payment required if the Heritage Floor Space has not been allocated by the specified date will be set at a level intended to discourage the use of this option, and the payment is only to be made if ongoing attempts to purchase Heritage Floor Space have not been successful; and
 - (v) any funds obtained under the scheme will be directed towards heritage conservation works;
- (D) the Central Sydney Planning Committee note the following recommended changes to the recommendation to Council's Planning and Development Committee on 8 September 2015 that authority be delegated to the Chief Executive Officer to exhibit the detailed Draft Alternative Heritage Floor Space Allocation Scheme at the same time as the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012, following the receipt of the Gateway Determination; and
- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 September 2015 that Council seek authority from the Secretary of the Department of Planning and Environment to exercise delegation of the Minister for Planning of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Heritage Floor Space amendments to Sydney Local Environmental Plan 2012.

Carried unanimously.

ITEM 14 GATEWAY AND PUBLIC EXHIBITION: 230-238 SUSSEX STREET SYDNEY - SYDNEY LOCAL ENVIRONMENT PLAN 2012 AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENTS (S124316)

Moved by the Chair (the Lord Mayor), seconded by Mr Webster -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal: 230-238 Sussex Street, Sydney, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: 230-238 Sussex Street, Sydney for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 September 2015 that Council approve the draft Sydney Development Control Plan 2012 – 230-238 Sussex Street, Sydney, shown at Attachment B to the subject report, for public exhibition in parallel with the draft Planning Proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 September 2015 that Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all his functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 September 2015, that Council delegate authority to the Chief Executive Officer to make any minor variations to the Planning Proposal: 230-238 Sussex Street, Sydney and/or the draft Sydney Development Control Plan 2012 – 230-238 Sussex Street, Sydney following receipt of the gateway determination.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.38pm.

CHAIR