



CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 417
Thursday 19 November 2015
Notice Date 13 November 2015

minutes

city of villages

INDEX TO MINUTES

ITEM	PAGE NO
1. DISCLOSURES OF INTEREST.....	653
2. CONFIRMATION OF MINUTES	653
3. MATTERS ARISING FROM THE MINUTES.....	653
4. DEVELOPMENT APPLICATION: 50 BRIDGE STREET SYDNEY	654
5. DEVELOPMENT APPLICATION: YOUNG AND LOFTUS STREET BLOCK - NEW BUILDINGS - 2-10 LOFTUS STREET AND 16-20 LOFTUS STREET AND 9-17 YOUNG STREET SYDNEY.....	711
6. DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET ZETLAND - SITE 12A.....	784
7. POST EXHIBITION – PLANNING PROPOSAL – SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS.....	785

PRESENT

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

Members - Mr Michael Harrison (Alternate Member to Ms Gabrielle Trainor), Councillor Robert Kok, Councillor John Mant, Mr Peter Poulet, The Hon. Robert Webster and Mr Gary White (Chief Planner, NSW - Department of Planning and Environment).

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

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

Mr Harrison, having disclosed a pecuniary interest in Item 4 and Item 5, left the meeting of the Central Sydney Planning Committee at 5.11pm, prior to discussion on Item 4, and returned at 5.40pm at the conclusion of discussion on Item 5. Mr Harrison was not present at, or in sight of, the meeting of the Central Sydney Planning Committee at any time during discussion and voting on Item 4 and Item 5.

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

Welcome

The Chair (the Lord Mayor) welcomed Mr White to his first meeting of the Central Sydney Planning Committee.

Apologies

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

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

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

Carried unanimously.

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

At a later stage of the meeting, prior to the commencement of discussion on Item 4, Mr Harrison disclosed a pecuniary interest in relation to Item 4 and Item 5 on the agenda in that he is a director of the architectural firm who are engaged as architects for projects with AMP Capital at Macquarie Park. Mr Harrison stated that he would not be present at the meeting of the Central Sydney Planning Committee during discussion or voting on Item 4 and Item 5.

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

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

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

ITEM 2 CONFIRMATION OF MINUTES

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

That the minutes of the meeting of the Central Sydney Planning Committee of 22 October 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 Central Sydney Planning Committee of 22 October 2015.

ITEM 4 DEVELOPMENT APPLICATION: 50 BRIDGE STREET SYDNEY (D/2015/929)

Note - The Director City Planning, Development and Transport advised that a memo dated 19 November 2015 (reference 2015/606935) relevant to Item 4 and Item 5 at the Central Sydney Planning Committee, that had been distributed to members prior to the meeting of the Committee, had been withdrawn. This memo had been superseded by a further memo relevant to Item 4, dated 19 November 2015 (reference 2015/606935), that had been distributed to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr John Freeman and Ms Elizabeth Gavey.

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

It is resolved that consent be granted to Development Application No. D/2015/929, subject to the following conditions:

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

Stage	Works
1 – Early Works	De-commissioning/diversion of services Strip out of buildings Establish construction zones and hoardings Minor demolition works to facilitate footpath zones
2 – Demolition of buildings	Demolition of podium and basement area Part demolition of 50 Bridge Street tower (inclusive of façade removal)
3 – Site excavation	Site excavation Retention systems/shoring Anchoring In-ground services

Stage	Works
4 – Footings and jump steel	Jump steel columns Accelerated structure
5 – Basement construction	Construction of basement levels up to levels B2
6 – Building structure	Construction of tower and podium Facade and fitout
7 – Public domain works	Public domain works

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/929 dated 2 July 2015, as amended and the following drawings:

Drawing Number	Architect	Date
AR-50-A-XX-02 Issue B Site Plan	3XN	01/10/15
AR-50-A-XX-111 Issue B GFA Podium Plans	3XN	19/10/15
AR-50-A-XX-112 Issue A GFA Block 1, 2	3XN	02/07/15
AR-50-A-XX-113 Issue A GFA Block 3, 4	3XN	02/07/15
AR-50-A-XX-114 Issue A GFA Block 5 A	3XN	02/07/15
AR-50-A-XX-115 Issue A GFA Block 5 B	3XN	02/07/15
AR-50-A-XX-211 Issue A GFA Car Park Reduction Methodology	3XN	02/07/15
AR-50-B-B5-01 Issue B Plan Level B5	3XN	01/10/15
AR-50-B-B4-01 Issue B Plan Level B4	3XN	01/10/15
AR-50-B-B3-01 Issue B Plan Level B3	3XN	01/10/15
AR-50-B-B2-01 Issue B Plan Level B2	3XN	01/10/15
AR-50-B-B1-01 Issue B Plan Level B1	3XN	01/10/15
AR-50-B-00-01 Issue B Plan Level 00	3XN	01/10/15
AR-50-B-01-01 Issue B Plan Level 01	3XN	01/10/15
AR-50-B-02-01 Issue A Plan Level 02	3XN	02/07/15
AR-50-B-03-01 Issue A Plan Level 03	3XN	02/07/15
AR-50-B-04-01 Issue A Plan Level 04	3XN	02/07/15
AR-50-B-05-01 Issue A Plan Level 05	3XN	02/07/15
AR-50-B-06-01 Issue A Plan Level 06	3XN	02/07/15
AR-50-B-07-01 Issue A Plan Level 07	3XN	02/07/15
AR-50-B-08-01 Issue A Plan Level 08	3XN	02/07/15
AR-50-B-09-01 Issue A Plan Level 09	3XN	02/07/15
AR-50-B-10-01 Issue A Plan Level 10	3XN	02/07/15
AR-50-B-11-01 Issue A Plan Level 11	3XN	02/07/15
AR-50-B-12-01 Issue A Plan Level 12	3XN	02/07/15
AR-50-B-13-01 Issue A Plan Level 13	3XN	02/07/15
AR-50-B-14-01 Issue A Plan Level 14	3XN	02/07/15
AR-50-B-15-01 Issue A Plan Level 15	3XN	02/07/15
AR-50-B-16-01 Issue A Plan Level 16	3XN	02/07/15

Drawing Number	Architect	Date
AR-50-B-17-01 Issue A Plan Level 17	3XN	02/07/15
AR-50-B-18-01 Issue A Plan Level 18	3XN	02/07/15
AR-50-B-19-01 Issue A Plan Level 19	3XN	02/07/15
AR-50-B-20-01 Issue A Plan Level 20	3XN	02/07/15
AR-50-B-21-01 Issue A Plan Level 21	3XN	02/07/15
AR-50-B-22-01 Issue A Plan Level 22	3XN	02/07/15
AR-50-B-23-01 Issue A Plan Level 23	3XN	02/07/15
AR-50-B-24-01 Issue A Plan Level 24	3XN	02/07/15
AR-50-B-25-01 Issue A Plan Level 25	3XN	02/07/15
AR-50-B-26-01 Issue A Plan Level 26	3XN	02/07/15
AR-50-B-27-01 Issue A Plan Level 27	3XN	02/07/15
AR-50-B-28-01 Issue A Plan Level 28	3XN	02/07/15
AR-50-B-29-01 Issue A Plan Level 29	3XN	02/07/15
AR-50-B-30-01 Issue A Plan Level 30	3XN	02/07/15
AR-50-B-31-01 Issue A Plan Level 31	3XN	02/07/15
AR-50-B-32-01 Issue A Plan Level 32	3XN	02/07/15
AR-50-B-33-01 Issue A Plan Level 33	3XN	02/07/15
AR-50-B-34-01 Issue A Plan Level 34	3XN	02/07/15
AR-50-B-35-01 Issue A Plan Level 35	3XN	02/07/15
AR-50-B-36-01 Issue A Plan Level 36	3XN	02/07/15
AR-50-B-37-01 Issue A Plan Level 37	3XN	02/07/15
AR-50-B-38-01 Issue A Plan Level 38	3XN	02/07/15
AR-50-B-39-01 Issue A Plan Level 39	3XN	02/07/15
AR-50-B-40-01 Issue A Plan Level 40	3XN	02/07/15
AR-50-B-41-01 Issue A Plan Level 41	3XN	02/07/15
AR-50-B-42-01 Issue A Plan Level 42	3XN	02/07/15
AR-50-B-43-01 Issue A Plan Level 43	3XN	02/07/15
AR-50-B-44-01 Issue A Plan Level 44	3XN	02/07/15
AR-50-B-45-01 Issue A Plan Level 45	3XN	02/07/15
AR-50-B-46-01 Issue A Plan Level 46	3XN	02/07/15
AR-50-B-47-01 Issue A Plan Level 47	3XN	02/07/15
AR-50-B-48-01 Issue A Plan Level 48	3XN	02/07/15
AR-50-B-49-01 Issue A Plan Level 49	3XN	02/07/15
AR-50-B-50-01 Issue A Plan Level 50	3XN	02/07/15
AR-50-B-RR-01 Issue A Roof Plan	3XN	02/07/15
AR-50-C-XX-01 Issue A Elevation East	3XN	02/07/15
AR-50-C-XX-02 Issue B Elevation North	3XN	01/10/15
AR-50-C-XX-03 Issue B Elevation South	3XN	01/10/15
AR-50-C-XX-04 Issue B Elevation West	3XN	01/10/15
AR-50-C-XX-05 Issue B Podium Elevation East and North	3XN	01/10/15
AR-50-C-XX-06 Issue B Podium Elevation West and South	3XN	01/10/15
AR-50-C-XX-11 Issue B Control Drawing 1	3XN	01/10/15
AR-50-C-XX-12 Issue B Control Drawing 2	3XN	01/10/15
AR-50-D-XX-01 Issue B Section AA	3XN	01/10/15
AR-50-D-XX-02 Issue B Section BB	3XN	01/10/15
AR-50-D-XX-03 Issue B Section CC	3XN	01/10/15

Drawing Number	Architect	Date
AR-50-D-XX-04 Issue B Section DD Podium	3XN	01/10/15
AR-50-D-XX-05 Issue B Section EE Podium	3XN	01/10/15
AR-50-D-XX-06 Issue B Section FF Podium	3XN	01/10/15

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.

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The development must be carried out in accordance with all of the obligations referenced in the following Voluntary Planning Agreements:
- (i) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by AMP Capital Investor Limited, ACPD Office Pty Limited, Kent Street Pty Limited and the City of Sydney.
 - (ii) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by The Gallipoli Memorial Club Limited, AMP Capital Investors Limited and the City of Sydney.
- (b) All 'contributions' as noted in Schedule 3 and 4 of the above Voluntary Planning Agreement are required to be provided in accordance with the below:
- (i) Monetary Contribution – Payment of the Monetary Contribution prior to the issue of any Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (ii) Additional Public Art Contribution – Installation of the Public Art prior to the first Occupation Certificate being issued in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (iii) Through Site Link Contribution Young Street and Phillip Street – Construction of the Young and Phillip Street Link and Registration on of the Through Site Link Easement prior to the first Occupation Certificate being issued in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (iv) Heritage Conservation Contribution, Finalisation of Draft Conservation Management Plan Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street – Finalisation and endorsement or approval of the Draft Conservation Management Plans for Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.

- (v) Heritage Conservation Contribution, Completion of Heritage Conservation Works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street – Completion of Heritage Conservation works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) Podium

- (i) Amended plans shall be submitted to further refine the design and materials of the podium, improve pedestrian access and circulation and increase user amenity. The amendments are to address the following:
 - a. The use of limestone cladding to the podium is not approved. The podium cladding to all street frontages and Goldsborough Lane is to be of sandstone, quarried by Gosford Quarries and nominated as Piles Creek 'Cream', or its matching and exact equivalent. The stone is to be used as three dimensional units of a minimum thickness of 150mm, and stacked, rather than as a flat thin cladding clipped onto a substrate. Stone units to the corners should be a minimum thickness of 300mm.
 - b. The continual line of shopfront glazing of the podium to all street frontages is to be broken up by some wall elements of sandstone with fine details, to create greater solidity and verticality, particularly at corners of the retail tenancies and either side of the entrances into the Market Hall.
 - c. Awnings for pedestrian weather protection are to be provided along the podium elevation of Young and Phillip Streets.
 - d. The main escalators leading from Young Street to the Market Hall are to be internal elements contained within the glass line, rather than exposed to the street frontage and weather.
 - e. The proposed high back benches and landscape enclosures along Young Street are not approved. Further resolution of treatment to these spaces is required.
 - f. The two internal food and drink booths located on Level B2 near the two Young Street entries are to be relocated to sit outside of direct sight lines of primary circulation routes.

(b) Goldsborough Lane

- (i) Amended plans shall be submitted to improve pedestrian access and circulation within the laneway. The amendments should address the following:

- a. A longer staircase with a deeper landing and wider steps should be provided to Goldsbrough Lane to provide a comfortable transition between the two laneway levels and better sightlines.
- b. The structural column near Lift 28 must be relocated away from the path of travel to the end of trip facility.

(c) **Tower crown**

- (i) This consent allows scope for the angle of the crown cut to be increased from its current springing point, provided it complies with Stage 1 envelope and sun access planes.

(d) **Phillip Street Vehicle Crossover**

- (i) The applicant is to investigate opportunities for a further reduced crossover width to Phillip Street so as to minimise disruption to bus layover activity and prioritise pedestrian amenity.
- (ii) The applicant is to investigate opportunities to combine the entry to the car park and loading dock should be investigated as part of the detailed design process to create a singular vehicular driveway crossover.

(e) **Screening for Loading and Plant**

- (i) Design and material details shall be submitted to minimise the visual disruption and break to the facade expression resulting from the plant and loading/vehicle access points on Young Street and Phillip Street. Further design refinement should be undertaken to consider the proportioning, materials and openings of these screened areas to ensure the continuity in the facade treatment.

(f) **Bridge Street Entries**

- (i) The existing ground floor slab level, which is proposed to be retained, is below the level of the footway in the south eastern corner. The public domain on these frontages will be required to grade towards the kerbs, in accordance the City of Sydney's Public Domain Manual. Determination of these public domain levels should be carried out in accordance with Condition 93 Alignment Levels.
- (ii) The two most eastern pedestrian entries on the Bridge Street frontage, being the easternmost accessible access swing door and easternmost revolving door are not approved as they indicate a non-compliant footway grade. If compliant footway grades cannot be achieved in accordance with Condition 2(f)(i) above, these entries will need to be relocated.

(g) **Young Street 'Precinct Connector'**

- (i) The 'precinct connector' (footpath widening) proposed along Young Street cannot be approved and should be deleted from plans, unless approval is obtained from RMS and Council prior to submission of Public Domain Plans.

(h) **Heritage Interpretation**

- (i) The main architectural drawings are to be amended to nominate the specific interpretation locations arising out of the developed heritage interpretation plan.

(i) **Street Trees**

- (i) With the exception of the one street tree on Phillip Street which requires removal to facilitate the new vehicle crossover, the plans must be amended to include the retention of all other street trees surrounding the site. Council will however re-assess the removal of the trees in conjunction with the assessment of the public domain plan.

The modifications in this condition are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Stage 3 Construction Certificate.

(5) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) In accordance with clause 6.26(3) of Sydney Local Environmental Plan 2012, in determining site area for the purpose of applying floor space ratio, block A, block B and block C are taken to be a single site area. Block A, B and C are identified as follows:
- (i) Block A refers to 50 Bridge Street being Lot 2, DP 1073376,
- (ii) Block B refers to 33 Alfred Street, being Lot 1, DP 1073376,
- (iii) Block C refers to 5-7, 9-13 and 15-17 Young Street and 2-10, 12 and 20 Loftus Street, being Lot 1, DP 104784, Lot 1, DP 723381, Lots 1-4, DP 134760, Lot 1, DP 810463, Lot 501, DP 709624, Lot 1, DP 87960 and Lot 1, DP 134861.
- (b) The Floor Space Ratio of the proposal must not exceed 14.02:1 calculated in accordance with Sydney Local Environmental Plan 2012.
- (c) For the purpose of calculating FSR, this consent must be read in association with the Notice of Determination for D/2015/930 for the Young and Loftus Street block, 2-10 Loftus Street, 16-20 Loftus Street, 9-13 Young Street and 15-17 Young Street.
- (d) For the purpose of the calculation of FSR, the Floor Space Area of the approved development shall not exceed:
- (i) 50 Bridge Street: 102,136m²;

- (ii) 33 Alfred Street: 35,681m²;
 - (iii) The Gallipoli Memorial Club: 889m²;
 - (iv) Hinchcliff House: 1,095m²;
 - (v) Young and Loftus Street Block New Buildings: 16,139m².
- (e) 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.
- (f) Prior to a Stage 1 Construction Certificate being issued, Council's written verification must be obtained, confirming that 16,556m² of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

(6) RESTRICTION ON PERMITTED FLOOR SPACE RATIO

A documentary Restriction on the Use of Land limiting the Gross Floor Area of the buildings erected on Lot 2 in DP 1073376 (and consequently the permitted Floor Space Ratio for each lot) is to be created and registered on the Title of the development site.

The Restriction on the Use of Land is to be created appurtenant to Council, in terms to Council's satisfaction, restricting the amount of gross floor area (as defined in the Sydney LEP 2012), and consequently the Floor Space Ratio, permissible for the development site detailed above or any subdivision of that site, to that approved by this Development Application (D/2015/929).

(7) BUILDING HEIGHT

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

	Maximum RL
Top of parapet of building podium	20.385
Top of the tower	219.600

- (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.

(8) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

(9) DESIGN QUALITY EXCELLENCE

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

(10) MATERIALS AND SAMPLES BOARD

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

(11) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of the retail tenancies on Levels B3 to 00 of the podium and tower must be submitted to and approved by Council prior to that fitout or use commencing.

(12) HOURS OF OPERATION – RETAIL & BUSINESS PREMISES

The hours of operation are restricted to between 7am and 10pm Monday to Sunday and Public Holidays. Further applications can be made to vary these hours once specific uses are known.

(13) SIGNAGE STRATEGY

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

(14) SIGNS - SEPARATE DA REQUIRED

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

(15) 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 Director City Planning, Development and Transport prior to the issue of a Stage 3 Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Stage 3 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(16) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Stage 3 Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.

- (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste;
 - (ii) Details of safety procedures;
 - (iii) Laminated copies of 'As Built' drawings;
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

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

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

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

(18) EXTERNAL LIGHTING

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

(19) PUBLIC ART

- (a) A revised Public Art Strategy must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 1 Construction Certificate being issued.
- (b) 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 Stage 3 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.
- (c) This condition is in addition to the public art contribution required as part of the voluntary planning agreement. The total cost of the public art contribution is to be submitted to and agreed by the Director City Planning, Development and Transport.

(20) WIND ENVIRONMENT STUDY

The recommendations of the Wind Tunnel Tests for Quay Quarter Sydney (Reference number 6984) prepared by CCP, dated June 2015, shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(21) REFLECTIVITY

The recommendations of the Reflectivity Report (Reference number 222700-00), prepared by Arup, dated 23 June 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(22) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The recommendations of the Ecologically Sustainable Report (Reference number 222700, Issue 3), prepared by Arup, dated 26 June 2015, shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(23) LAND SUBDIVISION

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

(24) STRATA SUBDIVISION

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.

(25) RESTRICTION ON USE OF CAR SPACES - COMMERCIAL WITH NO STRATA SUBDIVISION

The following conditions apply to car parking:

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

(26) ALLOCATION OF PARKING

- (a) The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.
- (b) The 28 car parking spaces located on Level B3 identified for use by the 33 Alfred Street building are not to be utilised by 50 Bridge Street.

- (c) Following the submission of the refurbishment development application for the 33 Alfred Street building, car parking spaces for the 33 Alfred Street building will be assessed against the maximum LEP controls. The 28 approved spaces located on Level B3 will be included within this assessment.

Car Parking Type	Number - 50 Bridge Street
50 Bridge Street	
Commercial spaces	111
Accessible commercial spaces	6
Car share parking	6
Subtotal car parking spaces 50 Bridge	123
33 Alfred Street	
Commercial spaces	28
Subtotal car parking spaces 33 Alfred	28
Motorcycle parking	13
Service vehicle spaces	10
B99 sized service vehicle	1
Small Rigid Vehicle loading dock(s)	3
Medium Rigid Vehicle loading dock(s)	1
Subtotal other spaces	28
TOTAL	179

(27) ALLOCATION FOR VISITOR PARKING

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

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

(28) 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.

(29) 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	592	Spaces must be a class 1 bicycle locker ⁽ⁱ⁾
Non-residential visitor	60	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	60	
Personal lockers	800	

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 Stage 5 Construction Certificate being issued.

(30) 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".

(31) 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.

(32) 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.

(33) INTERCOM FOR VISITORS

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

(34) 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.

(35) VEHICLE ACCESS

All vehicles must enter and leave the site in a forward direction.

(36) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Stage 5 Construction Certificate being issued.

(37) PARKING ON COMMON PROPERTY AREAS

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

(38) 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.

(39) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 8.8m (medium rigid vehicle).

(40) 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; and
- (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.

(41) 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.

(42) CAR SHARE SPACES

- (a) A minimum of 6 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Stage 5 Construction Certificate being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be accessible to members of the car share scheme at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(43) LOADING MANAGEMENT PLAN FOR 50 BRIDGE STREET

A Loading Management Plan, must be submitted to and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted.

The Plan should identify how the service space will be managed and used by all building tenants, not just the retail area.

The Plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants and residents when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(44) TEMPORARY ACCESS AND LOADING MANAGEMENT PLAN FOR 33 ALFRED STREET DURING CONSTRUCTION

Details of how temporary access arrangements to 33 Alfred Street are to be maintained during construction of 50 Bridge Street, must be provided prior to the Stage 1 Construction Certificate for the site/use being granted.

A temporary loading zone on Young Street is not approved as part of this DA. 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.

A temporary loading management plan to service 33 Alfred Street should be prepared in consultation with TfNSW, Roads and Maritime services and City of Sydney. The final loading plan is to be endorsed by the CBD Coordination Office within TfNSW prior to the Stage 1 Construction Certificate for the site/use being granted.

(45) REMOVAL OF BUS LAYOVER SPACE ON PHILLIP STREET

The applicant is to work with TfNSW to confirm the potential to remove up to 3 bus layover spaces from the western side of Phillip Street and/or investigate suitable alternative locations for bus layover.

A suitable agreement between the applicant and TfNSW and the CBD Coordination Office is to be reached and submitted to and approved by Council (and other authorities) prior to the Stage 1 Construction Certificate for the subject site/use being granted.

(46) CONSULTATION WITH THE CBD COORDINATION OFFICE

The proponent continue to consult with the CBD Coordination Office to address the impacts on bus layover and operations.

The proponent is to provide a bus layover and operations plan to the satisfaction of the CBD Coordination Office and Council, prior to the issue of the Stage 1 Construction Certificate.

(47) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

The proponent must prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of construction, which takes into account (but which is not limited to) other construction projects including CBD and South East Light Rail (CSELR) and 1 Alfred Street projects, in the Circular Quay and Wynyard Precincts.

The CPTMP should demonstrate that the construction impacts on the road network, bus operations and pedestrian/cyclist safety can be managed. The CPTMP should be prepared in consultation with TfNSW, Roads and Maritime services and City of Sydney. The final CPTMP is to be endorsed by the CBD Coordination Office within TfNSW prior to the issue of the Stage 1 Construction Certificate.

(48) CONSULTATION WITH CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM

The proponent is to consult any relevant project teams in the vicinity of the development to ensure traffic / transport interface issues are addressed prior to the commencement of construction. This will need to consider the CBD and South East Light Rail project, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

(49) HERITAGE INTERPRETATION PLAN

- (a) The 'Quay Quarter Sydney Heritage Interpretation Plan' by Urbis dated June 2015 must be expanded and consolidated into specific, developed implementation initiatives, specifying the precise location, form, content, materials of each of the interpretation devices being proposed, to a point where it is complete for engaging the designer to prepare construction drawings and final artwork for any casting, printing and the like.
- (b) The key locations identified are to be within the approved Lane (SDCP 2012 Fig 6.27 Through Site Link B) and the approved development at 50 Bridge Street, including on street frontages, within the main commercial tower lobby, within the Market Hall and on the rooftop terrace above the Market Hall.
- (c) In addition to the themes identified in the 'Quay Quarter Sydney Heritage Interpretation Plan', the plan is to include the interpretation of the origin of the surrounding street names.
- (d) The updated and developed plan is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Stage 3 Construction Certificate being issued. Ongoing consultation with Council's heritage Specialist is to occur prior to this submission.
- (e) Prior to occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager. Ongoing consultation with Council's heritage Specialist is to occur prior to this implementation to ensure final approval.

(50) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Stage 1 Construction Certificate being issued, an archival photographic recording of the building 50 Bridge Street, Sydney is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

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

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Stage 3 Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 33 Alfred Street and the Stormwater Channel are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) The protection strategy is to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent property fabric or interiors.

- (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (iii) Details of the proposed protection of party walls from damp and water ingress during the works.

(52) SYDNEY WATER REQUIREMENTS

(a) Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or phone 13 20 92.

(b) Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

(53) AUSGRID REQUIREMENTS

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to determine the method of electrical supply for the development.

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- (a) Changes in electrical load requirements
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways
- (d) Changing the gradients of any roads or paths
- (e) Changing the level of roads or foot paths
- (f) Widening or narrowing of roads

- (g) Closing roads or laneways to vehicles
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

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.

(54) 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) that affect the external appearance of the building.

(55) 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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Stage 1 Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$1,459,250 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$1,459,250 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or

- d. the erection of the structure has commenced;
- (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
- a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

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

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

- (f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
 - (i) Certification (from an accredited certifier) that the relevant stage is complete;
 - (ii) Detailed schedule of completed works carried out in the relevant stage;
- (g) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

(57) SANDSTONE RECYCLING (FOR LARGER SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A suitably qualified expert must prepare a report which confirms the existence of sandstone or otherwise on the site and analyses the quality of the material, including contamination, to confirm whether or not it is of a quality suitable for reuse in other construction.
- (b) Subject to confirmation that the rock is of suitable quality, an Excavation Work Method Statement must be prepared which outlines the method for the removal of all sandstone material in a useable form and size.
- (c) Prior to a Stage 3 Construction Certificate being issued, the excavation methodology, including details of any required storage of material off site, must be submitted to and approved by Council.

Note: If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is Yellow Block sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Public Works. Please contact the Manager Centenary Stonework Program at the NSW Public Works on 9372 8526 for further enquiries with regard to storage.

(58) 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 Stage 1 Construction Certificate being issued.

(59) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.

- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the Construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contract details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.
- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(60) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

Prior to works commencing a site specific noise management plan shall be submitted to Council's Director City Planning, Development and Transport for comment and approval. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

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

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

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

(61) COMPLIANCE WITH RECOMMENDATIONS IN ACOUSTIC REPORT

- (a) All works conducted on site which form part of this development must be carried out in accordance with the recommendations of the acoustic report prepared by ARUP, dated 26 June 2015, ref Acoustic/Stage 2 DA, Issue 3, titled AMP Capital Quay Quarter Sydney Stage 2 Development Application – Acoustic Report, Council Ref 2015/333203.

- (b) Where all such noise control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite from the noise causing the complaints. Such periods should where possible be set and agreed with the Council and be given at times of high noise levels, or are likely, to cause most offence.
- (c) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Health Compliance Unit for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.
- (d) The applicant must also ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise when any works are carried out within the extended hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.

(62) COMPLAINTS - NOISE

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

(63) NOISE USE

(a) General criteria

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

- (i) The $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the background noise level $L_{A90, 15\text{minute}}$ by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1- 1997-Description and measurement of environmental noise.
- (iii) The $L_{Aeq, 15\text{minute}}$ noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.

- (iv) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the $L_{Aeq, 15\text{minute}}$ when the use is not in operation.
- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the $L_{A90, 15\text{minute}}$ noise level measured in the absence of all noise from the site.

(b) Internal to internal noise transmission - residential amenity

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 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 - 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 $L_{A90, 15\text{minute}}$ noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding airconditioning equipment) normally servicing the affected residence operating.

(c) Internal to internal noise transmission – commercial amenity

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 commercial premises provided that:

- (i) 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 commercial premises closed;
- (ii) The $L_{A90, 15\text{minute}}$ noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including airconditioning equipment) normally servicing the commercial premises operating.

(64) NOISE CONTROL VERIFICATION

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants, certifying that the Councils 'Noise Use' criterion have been satisfied prior to the issue of an Occupation Certificate.

(65) TREE ROOT PROTECTION (Structural Root Zone)**Structural Root Zone (SRZ) Schedule:**

Botanical/Common Name	Tree Location	SRZ (m) from Trunk
Platanus acerifolia (Plane tree)	Street Tree – Phillip Street – southern side of new driveway / crossover	2.3 metres

- (a) Prior to the installation of the new driveway crossover, exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the southern side crossover. This shall consist of an 'air knife', gently removing the soil to expose the existing tree roots along the alignment of the crossover where it is located within the SRZ. An assessment of tree root size, number and condition must be provided (including photos) to the Council's Director City Planning, Development and Transport for approval prior to installation of the crossover is completed;
- (b) The design method for the new driveway crossover shall be amended if in the event any large structural roots (greater than 50mm diameter) are identified as a result of the exploratory root investigation. The amended design shall ensure that the long term health and satiability of the tree is not compromised as a result of installation of the driveway crossover;
- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

(66) 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 truck 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) 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.

(67) 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'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(68) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate.

- (a) All new trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) At the time of planting, the container size is to be a minimum of 75 litres and a minimum height of 2.2 metres.
- (c) The trees must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (d) All new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (e) Written confirmation is to be obtained from Council's Area Planning Manager that all tree plantings have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (f) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

(69) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

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

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the retained structure must comply with the Building Code of Australia (BCA) including:
 - (i) Structural provisions - Part B1;

Prior to a Stage 3 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.

(71) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Stage 5 Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.

(72) 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 Stage 5 Construction Certificate being issued.

(73) EMISSIONS

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

(74) ASBESTOS REMOVAL WORKS

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

(75) CLASSIFICATION OF WASTE

- (a) 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.
- (b) A Waste Classification Plan must be prepared and reviewed by an EPA Accredited Site Auditor

(76) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by Coffey Geotechnics Pty Ltd, dated 15 May 2015 must be implemented, including the following:

- (a) Appoint an appropriately competent person to manage identified ASS.
- (b) Excavated ASS will be temporary stockpiled at least 40m from stormwater drains and creeks. All stockpiles will be bunded.
- (c) A supply of fine grained agricultural lime (with a neutralisation factor of at least 97%) shall be maintained onsite and the quantity of lime kept on site will be sufficient to provide emergency liming of existing stockpiles.
- (d) A lime register shall be maintained by the Principal Contractor. The register shall list all lime delivered to the site, verified by delivery dockets, and where the lime has been used.
- (e) Bunding around stockpiled ASS will be limed at a rate of 5kg/m².
- (f) Extended periods of stockpiling without treatment (more than two days) will require leachate collection and monitoring.
- (g) A minimum of four validation tests shall be undertaken on the neutralised ASS or a minimum 1 per 200m³, whichever is greater.
- (h) If ASS treatment exceeds 1,000 tonnes an appropriately qualified environmental consultant should be consulted to review and recommend alternative management procedures.
- (i) Should groundwater or surface water become contaminated with ASS or heavy metals all water must undergo treatment prior to discharge from the site to render it in compliance with the relevant water quality guidelines.

(77) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

(78) IMPORTED FILL MATERIALS

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

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

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

(79) LAND CONTAMINATION – REMEDIATION ACTION PLAN

- (a) Prior to issue of a Stage 3 Construction Certificate a site specific Remedial Action Plan (RAP) is to be submitted to the City's Area Planning Manager for approval prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines" and the City's Development Control Plan "Contaminated Land".
- (b) The RAP shall include a waste classification plan, an additional sampling program and a validation strategy that demonstrates the efficacy of the tank and fill removal program.

Note: The RAP must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or a Letter of Interim Advice issued by the Auditor certifying that the RAP is practical and the site will be made suitable on implementation of the RAP for the proposed use. The Section B Site Audit statement or letter of interim advice regarding the RAP shall be provided to council prior to the commencement of works in relation to remediation of the site.

- (c) The site is to be remediated and validated in accordance with the Remedial Action Plan endorsed by the NSW Accredited Site Auditor and approved by council.
- (d) All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.
- (e) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.
- (f) Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and council prior to the commencement of such work.

(80) SITE AUDIT STATEMENT

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

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

(81) 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.

(82) STOCKPILES

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

(83) UNDERGROUND STORAGE TANK REMOVAL

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

(84) 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.

(85) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION

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

(86) 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.

No approval for charcoal or solid fuel cooking is given as part of this consent.

(87) MICROBIAL CONTROL IN WATER SYSTEMS

- (a) Prior to the issue of the Stage 6 Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- (b) Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- (c) The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following:
 - (i) Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
 - (ii) Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

(88) 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.

(89) 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).

(90) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

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

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

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
- (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

(92) 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).

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

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

(94) 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.

(95) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be erected to undertake the proposed development, approved graphic/artwork installation/s (construction wrap image/s) must be installed on the scaffolding system/s to screen the demolition and/or construction works from the public place to minimise adverse visual impacts in the locality and to add visual interest in the streetscape.
- (b) Construction wrap image/s and proposed location/s on the development site must be discussed with Council prior to undertaking detailed artwork design and approval being granted.
- (c) Construction wraps must be printed, installed and maintained in accordance Council's Guidelines for Hoardings and Scaffolding.

Note: Where hoardings and/or scaffolding (temporary structures) are erected on land owned by the City such as roadways and footways, Council reserves the right to require the display of site-specific artwork and/or community information (refer to Clause 3.4 of the Guidelines for Hoardings and Scaffolding).

(96) 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). Temporary structures must comply with Council's Guidelines for Hoardings and Scaffolding.
- (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 Hoardings 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 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 structure/s 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 deck 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 (3.9.3; 3.9.6; 3.9.8; 3.10.1 and 4.2).

(97) 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 the Stage 3 Construction Certificate being issued 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.

(98) 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".

(99) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

The recording must include clear images of the 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.

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

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).

(101) 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.

(102) 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's Director City Planning, Development and Transport prior to the Stage 6 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.

(103) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to the Stage 6 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.

(104) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to the Stage 3 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 and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued 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.

- (c) 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.
- (d) 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 flow of post-development pollutants from the site due to stormwater will be reduced.

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.

(105) 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.

(106) 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.

(107) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Young, Phillip and Bridge 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.

(108) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of stone paver Young and Phillip Street 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.

(109) PUBLIC DOMAIN LIGHTING

- (a) Prior to the Stage 6 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's Director City Planning, Development and Transport. 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.

(110) 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.

(111) 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.

(112) ELECTRICITY SUBSTATION

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

(113) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(114) WASTE AND RECYCLING MANAGEMENT - MINOR

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

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(115) 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.

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

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

(117) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over an east-west strip of land, of variable width, extending from the eastern alignment of Young Street to the western alignment of Phillip Street, generally at the rear of property 33 Alfred Street and as shown on approved plans as "Goldsborough Lane". The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(118) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(119) 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.

(120) 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.

(121) 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.

(122) WASTE AND RECYCLING COLLECTION CONTRACT

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

(123) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(124) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(125) SURVEY

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

(126) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(127) 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.

(128) 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.

(129) 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.

(130) 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.

(131) DUST MANAGEMENT

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

(132) STREET NUMBERING – MAJOR DEVELOPMENT

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

(133) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

SCHEDULE 2

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

SCHEDULE 3**INTEGRATED DEVELOPMENT – TERMS of Approval**

The Terms of Approval for Integrated Development as advised by the NSW Department of Primary Industries are as follows:

Prior to Construction

(134) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in a report provided to the Consent Authority prior to the commencement of construction.

- (135) The design and construction of the building must prevent any take of groundwater after construction by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.
- (136) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- (137) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Requirements for dealing with groundwater during excavation

- (138) If for any reason the take of groundwater during construction is expected to exceed 3 ML in any 12 months, then an authorisation shall be obtained for the take of groundwater as part of the activity.
- (139) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed structure from restricting pre-existing groundwater flows.
- (140) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (141) Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
- (142) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

- (143) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

Requirements for dealing with on-going take of groundwater post-construction

- (144) Monitoring (measurement and recording) of discharge volumes arising from groundwater extraction must be undertaken on a monthly basis for the life of the building using a method compliant with the NSW Water Extraction Monitoring Policy; (e.g. pumping diary, pump revolution meter, operating hour meter, electricity meter or flow meter). The design of the drainage system to isolate groundwater inflows from other sources is the responsibility of the proponent of the development (i.e. the developer).
- (145) Such records are to be maintained by the building management for the life of the development to demonstrate the negligible take of groundwater. Where sump pumps have not been operated during the calendar month this must nevertheless be identified in the monitoring record (e.g. as a 'nil' entry). Should the annual take of groundwater exceed 2.5 ML DPI Water should be contacted for advice.

SCHEDULE 4

DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT

Approval has been granted by the Aviation and Airports Division of the Commonwealth Department of Infrastructure and Regional Development under the Airports (Protection of Airspace) Regulations 1996, subject to the following:

- (146) The building must not exceed a maximum height of 236.0M AHD inclusive of all lift overruns, vents, chimneys, aerials TV antennas, etc.

NOTE: This condition does not approve any built form above the maximum height referenced in (7) BUILDING HEIGHT.

- (147) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building.
- (148) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

Carried unanimously.

ITEM 5 DEVELOPMENT APPLICATION: YOUNG AND LOFTUS STREET BLOCK - NEW BUILDINGS - 2-10 LOFTUS STREET AND 16-20 LOFTUS STREET AND 9-17 YOUNG STREET SYDNEY (D/2015/930)

Note - The Director City Planning, Development and Transport advised that a memo dated 19 November 2015 (reference 2015/606935) relevant to Item 4 and Item 5 at the Central Sydney Planning Committee, that had been distributed to members prior to the meeting of the Committee, had been withdrawn.

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

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/930, subject to the following:

PART A

DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

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

(1) SYDNEY TRAINS (RAILCORP) CONCURRENCE CONDITIONS

- (a) The owners of the site of the approved development must enter into a Deed of Agreement with Transport for NSW (TfNSW) and Sydney Trains prior to the issue of any Construction Certificate to address the adverse effects of the approved development on CBD Rail Link (CBDRL) identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
- (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in clause (c) to clause (j) below;
 - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) consultation with TfNSW and Sydney Trains;
 - (v) access by representatives of TfNSW and Sydney Trains to the site of the approved development and all structures on that site;
 - (vi) provision of TfNSW and Sydney Trains of drawings, reports and other information related to the design, construction and maintenance of the approved development;

- (vii) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy clause (j) below;
 - (viii) such other matter which TfNSW and Sydney Trains considers are appropriate; and
 - (ix) such other matters as the owners and TfNSW and Sydney Trains may agree.
- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
 - (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
 - (d) Prior to the issue of any construction certificate the development must undertake a detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.
 - (e) No modifications may be made to the approved design without the consent of TfNSW.
 - (f) A detailed regime is to be prepared for consultation with, and approved by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
 - (g) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
 - (h) All requirements contained in the Agreement between TfNSW and Sydney Trains and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
 - (i) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.

- (j) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which compromise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additional to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBDRL, the prior written consent of TfNSW.
- (B) 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;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent:

PART B

CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

SCHEDULE 1A

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

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

(1) STAGED CONSTRUCTION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate for each stage as follows:

Stage	Works
1 – Early Works	De-commissioning/diversion of services Strip out of buildings Establish construction zones and hoardings Minor demolition works to facilitate footpath zones

Stage	Works
2 – Demolition of buildings	Demolition of podium and basement area
3 – Site excavation	Site excavation Retention systems/shoring Anchoring In-ground services
4 – Footings	Footings
5 – Basement construction	Construction of basement levels up to ground level
6 – Building structure	Construction of new buildings Facade and fitout
7 – Public domain works	Public domain works

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/930 dated 6 July 2015 and the following drawings:

Drawing Number	Architect	Date
BUILDING A:		
AR-XA-A-00	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B3	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B2	MAKE ARCHITECTURE	29.06.15
AR-XA-B-B1	MAKE ARCHITECTURE	29.06.15
AR-XA-B-00	MAKE ARCHITECTURE	29.06.15
AR-XA-B-01	MAKE ARCHITECTURE	29.06.15
AR-XA-B-02	MAKE ARCHITECTURE	29.06.15
AR-XA-B-03	MAKE ARCHITECTURE	29.06.15
AR-XA-B-04	MAKE ARCHITECTURE	29.06.15
AR-XA-B-05	MAKE ARCHITECTURE	29.06.15
AR-XA-B-06	MAKE ARCHITECTURE	29.06.15
AR-XA-B-07	MAKE ARCHITECTURE	29.06.15
AR-XA-B-08	MAKE ARCHITECTURE	29.06.15
AR-XC-B-21	MAKE ARCHITECTURE	29.06.15
AR-XC-B-22	MAKE ARCHITECTURE	29.06.15
AR-XC-B-23	MAKE ARCHITECTURE	29.06.15
AR-XC-C-W	MAKE ARCHITECTURE	29.06.15
AR-XC-C-E	MAKE ARCHITECTURE	29.06.15
AR-XC-C-N	MAKE ARCHITECTURE	29.06.15
AR-XC-C-S	MAKE ARCHITECTURE	29.06.15

Drawing Number	Architect	Date
AR-XC-D-01	MAKE ARCHITECTURE	29.06.15
AR-XC-D-02	MAKE ARCHITECTURE	29.06.15
AR-XC-D-03	MAKE ARCHITECTURE	29.06.15
AR-XC-W-01	MAKE ARCHITECTURE	29.06.15
BUILDING B:		
AR-XB-B-00	SILVESTER FULLER	3.6.15
AR-XB-B-01	SILVESTER FULLER	3.6.15
AR-XB-B-02	SILVESTER FULLER	3.6.15
AR-XB-B-04	SILVESTER FULLER	3.6.15
AR-XB-B-08	SILVESTER FULLER	3.6.15
AR-XB-B-09	SILVESTER FULLER	3.6.15
AR-XB-B-10	SILVESTER FULLER	3.6.15
AR-XB-B-11	SILVESTER FULLER	3.6.15
AR-XB-B-12	SILVESTER FULLER	3.6.15
AR-XB-B-13	SILVESTER FULLER	3.6.15
AR-XB-B-21	SILVESTER FULLER	3.6.15
AR-XB-B-22	SILVESTER FULLER	3.6.15
AR-XB-B-23	SILVESTER FULLER	3.6.15
AR-XB-C-E	SILVESTER FULLER	3.6.15
AR-XB-C-N	SILVESTER FULLER	3.6.15
AR-XB-C-W	SILVESTER FULLER	3.6.15
AR-XB-C-S	SILVESTER FULLER	3.6.15
AR-XB-D-01	SILVESTER FULLER	3.6.15
AR-XB-D-02	SILVESTER FULLER	3.6.15
AR-XB-D-03	SILVESTER FULLER	3.6.15
AR-XB-W-01	SILVESTER FULLER	3.6.15
BUILDING C:		
AR-XC-B-00	SJB	29.6.15
AR-XC-B-01	SJB	29.6.15
AR-XC-B-02	SJB	29.6.15
AR-XC-B-03	SJB	29.6.15
AR-XC-B-04	SJB	29.6.15
AR-XC-B-05	SJB	29.6.15
AR-XC-B-06	SJB	29.6.15
AR-XC-B-07	SJB	29.6.15
AR-XC-B-08	SJB	29.6.15
AR-XC-B-09	SJB	29.6.15
AR-XC-B-10	SJB	29.6.15
AR-XC-B-11	SJB	29.6.15
AR-XC-B-12	SJB	29.6.15
AR-XC-B-13	SJB	29.6.15
AR-XC-B-14	SJB	29.6.15
AR-XC-B-21	SJB	29.6.15
AR-XC-C-E	SJB	29.6.15
AR-XC-C-N/S	SJB	29.6.15
AR-XC-C-W	SJB	29.6.15
AR-XC-D-01	SJB	29.6.15
AR-XC-D-02	SJB	29.6.15

Drawing Number	Architect	Date
AR-XC-W-01	SJB	29.6.15

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.

(3) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The development must be carried out in accordance with all of the obligations referenced in the following Voluntary Planning Agreements:
- (i) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by AMP Capital Investor Limited, ACPPT Office Pty Limited, Kent Street Pty Limited and the City of Sydney.
 - (ii) Planning Agreement (Council's Reference S106946-03) executed on 2 June 2014 and entered into by The Gallipoli Memorial Club Limited, AMP Capital Investors Limited and the City of Sydney.
- (b) All 'contributions' as noted in Schedule 3 and 4 of the above Voluntary Planning Agreement are required to be provided in accordance with the below:
- (i) Monetary Contribution – Payment of the Monetary Contribution prior to the issue of any Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (ii) Public Art Contribution – Installation of the Public Art prior to the first Occupation Certificate being issued in respect of Works to be undertaken to the Building located on 50 Bridge Street.
 - (iii) Through Site Link Contribution Young Street and Loftus Street – Construction of the Young and Loftus Street Link and Registration of the Through Site Link Easement prior to the first Occupation Certificate being issued for the building located on the Lot over which the relevant Through-site Link Easement is to be granted.
 - (iv) Heritage Conservation Contribution, Finalisation of Draft Conservation Management Plan Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street – Finalisation and endorsement or approval of the Draft Conservation Management Plans for Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.

- (v) Heritage Conservation Contribution, Completion of Heritage Conservation Works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street – Completion of Heritage Conservation works to Hinchcliff House, Gallipoli Memorial Club and 33 Alfred Street prior to the issue of the first Construction Certificate in respect of Works to be undertaken to the Building located on 50 Bridge Street.

(4) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Gross Floor Area of the approved development must not exceed 16,139sq.m calculated in accordance with the Sydney Local Environmental Plan 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.

(5) DESIGN MODIFICATIONS

The design of the buildings must be modified as follows:

- (a) **General design matters:**
 - (i) Final architectural design details to be provided of the loading dock entrance and how it addresses the lane.
 - (ii) The 'precinct connector' (footpath widening) proposed along Young Street is not approved and should be deleted from plans.
 - (iii) Buildings A, B and C are to incorporate an internal mail room/s with letterboxes inside private entrances which are accessed by electronic keys and managed by building management.
 - (iv) The removal of street trees is not approved at this stage. The applicant must consult with Council's Urban Forest Team in regard to proposed tree works including removals, pruning and planting to obtain separate approval.
 - (v) The applicant must use materials with a high grade finish for Loftus Lane South (for example granite setts or basalt paver). Proposed materials and installation details to be approved as part of the Public Domain Plan.
 - (vi) The public space created in the laneway expansion zone (next to Building C and Hinchcliff Walk) which has a significant communal bench concept is to be dedicated at no cost to Council so that the bench will not straddle two land ownerships. Final outline of the dedicated space is to be submitted to the Director City Planning Development and Transport for approval and any licence to allow building structures to overhang in such dedicated space is to be provided by the City to the Applicant.

- (vii) Final design details of the awnings proposed within Loftus Lane are to be provided including dimensions. The design of the awning must be of high quality materials (the awnings must not extend more than 1.25m from the building facade).
- (viii) The awning proposed within the through-site link within Building B adjacent to the Gallipoli Memorial Club is not approved and is to be deleted from the plans. The awning is not supported as it undermines the clearance height of the through-site link.
- (ix) The use of any type of external blind system to the northern facades of Building B and Building C is not permitted.
- (x) All proposed arcades are to have an unobstructed clearance height of 6m.
- (xi) Building B - Minimum double glazing with SHGC 0.44, 70% VLT to be used on the all north facing apartments.
- (xii) Building C - Minimum double glazing with low-e coating, 70-80% VLT to be used on all north facing apartments.
- (xiii) Building B (Levels 2-7) – In order to address adverse amenity impacts and reduced building separation between Buildings B and Building C the 1 bedroom apartment facing Loftus Lane located between gridline BC and BE at Levels 2-7 is to be deleted and amalgamated into the adjoining apartments.

(b) **Part A: Building A:**

- (i) Building A: As no development application has been lodged relating to 12-14 Loftus Street (the Gallipoli Memorial Club), the proposed entry through to 12-14 Loftus Street Level 00, is not approved.
- (ii) Building A: The proposed setback of Building A from Loftus Lane exposes the side wall of the heritage item at 12-14 Loftus Street at Levels 00 and 01. Extend Building A to the boundary with Loftus Lane at Levels 00 and 01 so that the side wall of the heritage item is not exposed at any level.
- (iii) Building A: Provide a cavity between Building A and the heritage listed building at 12-14 Loftus Street.
 - a. The width of the cavity must be a minimum of 150mm so as to:
 - i. Provide sufficient space so that construction debris can be effectively removed on a daily basis.
 - ii. Provide adequate air circulation such that the side wall of the heritage item can 'breathe' to avoid potential damage caused by rising damp and migrating salts.

- iii. Provide sufficient offset to avoid damage to heritage footings and walls and provide effective stormwater drainage between the two buildings.
 - b. The cavity may be bridged at parapet level to reduce stormwater ingress subject to approval of the detail and subject to no cutting of masonry.
 - c. No membrane or non-porous barrier is to be applied to the heritage item.
 - d. The detail sections and plans are to be at a minimum of 1:20 scale. The resolution of the detailing is to be assisted by a suitably qualified heritage specialist.
- (iv) Building A: Prior to the issue of the Construction Certificate for the construction of Building A, submit a schedule of conservation works to the northern side wall of the heritage item at 12-14 Loftus Street proposed to be exposed at the Loftus Street frontage and at the Loftus Lane frontage. The works are to be undertaken as part of the construction project for Building A. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.
- a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.
 - b. Prior to the issue of the Construction Certificate for the construction of Building A, the Cost Plan for Building A is to be updated to incorporate the costings of the conservation works to the northern side wall of the heritage item at 12-14 Loftus Street required above.
 - c. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
 - d. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - e. **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

- (v) Building A: The proposed gates to the central arcade are to be relocated to be setback 300mm from the external face of the Loftus Street and the Loftus Lane facades. The gate is to be constructed of high quality materials and is to be of a high quality design. Details of the design at a minimum 1:50 scale are to be submitted.
 - (vi) Building A: The proposed screens should be bronze in tone rather than black.
 - (vii) The external walling at street level is to incorporate light grey granite. Refer to Part D of this condition.
- (c) **Part B: Building B.**
- (i) Building B: Prior to the issue of the Construction Certificate for the construction of Building B, submit a schedule of conservation works to the southern side wall of the heritage item at 12-14 Loftus Street proposed to be exposed by 'Gallipoli Way'. The works are to be undertaken as part of the construction project for Building B. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.
 - a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.
 - b. Prior to the issue of the Construction Certificate for the construction of Building B, the Cost Plan for Building B is to be updated to incorporate the costings of the conservation works to the southern side wall of the heritage item at 12-14 Loftus Street required above.
 - c. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - d. INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.
- (d) **Part C: Building C**
- (i) Building C: The design of Building C, between Grid lines CA and CB, and Hinchcliff Walk is to be modified so as to locate a lift servicing the former 'Hinchcliff Wool Stores' at 5-7 Young Street (consistent with the Stage 1 Approval ref: D/2013/1942 Condition No 11(b)(iii)). The lift is to be glazed where visible from the public domain.

- (ii) Building C: The proposed external openings of the northern part of Building C, between Gridlines CA and CC, are to be redesigned so as to be vertical in proportion. In addition, the proposed northern elevation as it fronts Hinchcliff Walk and Hinchcliff House is to be redesigned to incorporate articulation and visual interest including use of materials that provide a contextual relationship with Hinchcliff House.
- (iii) Building C: The proposed grey brickwork for the exterior of the northern part of Building C, between Gridlines CA and CC, is not approved and is to be replaced with materials that provide a contextual relationship with the heritage listed buildings in the vicinity including sandstone. Refer the following part D of this condition.
- (iv) Building C, central arcade: The columns that are proposed within the central arcade are to be removed so as to provide a clear uninterrupted arcade. The width of the arcade as it interfaces with Young Street and Loftus lane is to be increased to six metres.
- (v) The south-eastern corner of Building C at street level, at the intersection of Young Street and Loftus Lane is to be curved in plan so as to provide adequate sight lines for pedestrian and vehicular safety and as a response to the curved corner of the heritage item 'Former 'Booth House' on the opposite side of Loftus Lane.
- (vi) The south-eastern corner of Building C as it fronts Loftus Lane south from the ground floor to the commercial levels above is to be redesigned to incorporate articulation and visual interest.
- (vii) Building C: Prior to the issue of the Construction Certificate for the construction of Building C, submit a schedule of conservation works to the southern side wall of the heritage item at 5-7 Young Street proposed to be exposed by 'Hinchcliff Walk'. The works are to be undertaken as part of the construction project for Building C. The Schedule is to be compiled by a suitably qualified heritage specialist, and is to include outline specifications of works.
 - a. The works are to include, but not limited to masonry and pointing repairs, and the removal of 1970s/1980s construction debris.
 - b. Prior to the issue of the Construction Certificate for the construction of Building C, the Cost Plan for Building C is to be updated to incorporate the costings of the conservation works to the southern side wall of the heritage item at 5-7 Young Street required above.
 - c. All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

- d. **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

(e) **Part D: Buildings A, B and C.**

- (i) Buildings A, B and C: The proposed external materials of the visible facades of Buildings A, B and C are to be modified to provide a contextual relationship with the heritage listed buildings in the vicinity as follows:
 - a. The podium of Building C is to incorporate natural sandstone to the Young Street frontage, the two Loftus Lane frontages as well as to Hinchcliff Walk and its central arcade.
 - b. Similarly, Buildings A and B are to incorporate details of sandstone to the Loftus Street, Loftus Lane, and Customs House Lane (Building A) frontages as well as to the frontages of the central arcade of Building A and to Gallipoli Way (Building B). Building A may also incorporate light grey honed granite consistent with the base of Customs House.
 - c. The sandstone is to be natural Gosford Piles Creek 'Cream' or matching equivalent, and is to be tooled with a textured finish, at least a honed finish, rather than a flat sawn finish. A variety of sandstone tooling finishes may be incorporated.
 - d. The sandstone and granite is to be used as solid three dimensional rather than as a flat thin cladding clipped onto a substrate.
 - e. The percentage of sandstone incorporated into the design may vary, but the overall objective, to provide a contextual relationship with the heritage listed buildings in the vicinity, must be achieved.
 - f. The residential levels of Building C are to ensure the thick façade walls appear as a solid mass with same colour window and door reveals rather than contrasting colour.
- (ii) Buildings A, B and C: The design of the framing to the glazed shopfronts of Buildings A, B and C is to be further developed to provide a greater level of visual interest and to be more vertical in proportion. This may be achieved by increasing the subdivision of the glazing by framing members, through greater variation in the cross sectional sizes of framing members, and through careful detailing of the reveals, sills, thresholds and hardware.

(f) Part E: Young Loftus Precinct

- (i) Young Loftus Precinct: The main architectural drawings of the precinct and each building are to be amended to indicate the specific interpretation locations and dimension the spatial allocation arising out of the developed heritage interpretation plan.
- (ii) Any original or early pavements found in excavating the lanes are to be incorporated into the proposed pavement design.
- (iii) Any archaeological relics found during the excavation of the specific building sites, the lanes and public domain are to be displayed as part of the as part of the Interpretation Plan conditioned elsewhere in this consent.
- (iv) To avoid potential damage caused by rising damp and migrating salts in heritage listed buildings at 5-7 Young Street, 12-14 Loftus Street, 31 Alfred Street, and 44 Bridge Street:
- (v) No concrete slab or bitumen pavement is to be laid directly on the ground external to any heritage listed building, directly adjacent to their exterior masonry walls.
- (vi) A minimum offset of 150mm is to apply. A porous pavement material such as gravel or stone may be laid adjacent to all heritage buildings, to offset the less porous pavements. A good example is provide at Image 03 on page 143 of the Young Loftus Precinct Design Report.
- (vii) Details of the proposed pavement (and subsurface) of all lanes, street footpaths, 'Gallipoli Way' and 'Hinchcliff Walk' where they adjoin the heritage listed buildings at 5-7 Young Street, 12-14 Loftus Street, 31 Alfred Street, and 44 Bridge Street, Sydney. The detailing is to ensure removal of potential damage caused by rising damp and migrating salts, avoid damage to heritage footings and walls and provide effective sub surface drainage.

(g) Part F: Inspections and Approvals

- (i) The conservation works required above in various parts are to be progressively inspected by, and be implemented to the satisfaction of, Council's own Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 3 Construction Certificate.

(6) BUILDING HEIGHT

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

Building	RL (AHD) to the top of the building (including plant)
Building A	RL31.620 (top of the building inc. plant) RL31.800 (top of the handrail)
Building B	RL48.600
Building C	RL54.100

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

(7) APPROVED DESIGN ROOF - TOP PLANT

All roof top plant top plant is to be designed taking into consideration that the roof areas are visible from adjacent higher sites and are to be of a high architectural standard. Design details are to be submitted and approved by Council's Director City Planning, Development and Transport prior to the issue of the Stage 3 construction certificate.

(8) DESIGN QUALITY EXCELLENCE

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

(9) MATERIALS AND SAMPLES BOARD

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

(10) USE - SEPARATE DA REQUIRED

A separate development application for the fitout and use of each individual retail and/or commercial tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

(11) USE OF COMMON AREAS AND FACILITIES – BUILDING A ONLY

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

(12) SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a consolidated signage strategy for the Young and Loftus Street Block (new and existing buildings). 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.

(13) EXTERNAL LIGHTING

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

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

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

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

(15) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(16) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

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

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from “residential accommodation” as defined in Sydney Local Environmental Plan 2012. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

(17) HOURS OF OPERATION – RETAIL & BUSINESS PREMISES

The hours of operation are restricted to between 7am and 10pm Monday to Sunday and Public Holidays. Further applications can be made to vary these hours once specific uses are known.

(18) ARCHAEOLOGICAL INVESTIGATION

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

- (g) One hard copy and one electronic of the final archaeological report detailing all findings is to be submitted to Council's Heritage Specialist for lodgement in Council Archives prior to the issue of the Occupation Certificate.

(19) HERITAGE INTERPRETATION PLAN – NON STANDARD

- (a) The Quay Quarter Sydney Heritage Interpretation Plan' by Urbis dated June 2015 must be expanded and consolidated into specific, developed implementation initiatives, specifying the precise location, form, content, materials of each of the interpretation devices being proposed, to a point where it is complete for engaging the designer to prepare construction drawings and final artwork for any casting, printing and the like.
- (b) The key locations are to be clearly indicated on the architectural drawings for each building.
- (c) In addition to the themes identified in the 'Quay Quarter Sydney Heritage Interpretation Plan', the plan is to include the interpretation of the origin of the surrounding street names.
- (d) The updated and developed plan is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to a Stage 3 Construction Certificate being issued. Ongoing consultation with Council's heritage Specialist is to occur prior to this submission.
- (e) Prior to occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager. Ongoing consultation with Council's heritage Specialist is to occur prior to this implementation to ensure final approval.

(20) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

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

The form of the recording is to be as follows:

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

- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

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

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of the Stage 3 Construction Certificate. The Strategy is to detail how the proposed works will ensure that the heritage listed buildings at 12-14 Loftus Street, 5-7 Young Street, 44 Bridge Street, 31 Alfred Street and the Bennelong Stormwater Channel are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) The protection strategy is also to include:
 - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that no such water is channelled onto the adjacent or nearby property fabric or interiors.
 - (ii) Details of construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, which are to be removed progressively on a daily basis as the works progress.
 - (iii) Details of the proposed protection of adjacent walls from damp and water ingress during the works.
 - (iv) A structural report that details of the investigation of the location and depth of footings of the adjacent heritage listed buildings. This report should address details of lateral ground movement as advised by the Geotechnical investigations, advice on any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

(22) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project in the Young/Loftus Street precinct. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of the Stage 3 Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan. The diary is to be progressively submitted for approval by Council's own Heritage Specialist, at not less than two monthly intervals.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's own Heritage Specialist prior to the issue of an Occupation Certificate or the commencement of the use, whichever is the earlier.

(23) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of the Stage 3 Construction Certificate. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

- (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of the Stage 3 Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
- (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.

- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

(24) 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 the Stage 3 Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of the Stage 3 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(25) PUBLIC ART

- (a) A revised Public Art Strategy must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Stage 1 Construction Certificate being issued.
- (b) 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 Stage 3 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.
- (c) This condition is in addition to the public art contribution required as part of the voluntary planning agreement. The total cost of the public art contribution is to be submitted to and agreed by the Director City Planning, Development and Transport.

(26) WIND ENVIRONMENT STUDY

The recommendations of the Wind Tunnel Tests for Quay Quarter Sydney prepared by CCP, dated June 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(27) REFLECTIVITY

The recommendations of the Reflectivity Report (Reference number 239059-33/JK), prepared by Arup, dated 26 June 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(28) CRIME RISK AND SECURITY REPORT

The recommendations of the Crime Risk and Security Report prepared by MIP Security and InteRisk Group, dated July 2015 shall be implemented in the final design, with details illustrating compliance with this condition to be submitted for approval to the Certifying Authority prior to the issue of a Stage 5 Construction Certificate.

(29) ELECTRICITY SUBSTATIONS

Electricity substations, kiosks and the like are to be contained wholly with the property boundary of Precinct 2 and not in areas subject to easements for public access. The kiosks are to be appropriately screened to reduce their visibility from the public domain. Details are to be submitted for approval with the Public Domain Plan conditions of this consent.

(30) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot or alternatively a new subdivision of the site is to be prepared amalgamating and/or separating in Title the different components of the development. A plan of consolidation or subdivision must be registered with the NSW Office of Land and Property Information, prior to an Occupation Certificate being issued.

(31) LAND SUBDIVISION

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

(32) STRATA SUBDIVISION

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.

(33) BASEMENT STORAGE

- (a) A storage area located in the basement is to be allocated to each unit and reflected on the strata plans and on title.
- (b) The storage area is to be large enough to accommodate a bicycle and is to be no smaller than a Class 1 bicycle locker.

(34) RIGHTS OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, documentary Rights of Public Access, limited in stratum, are to be created and registered on the Title of the development site over the following areas:
 - (i) A Right of Public Access is to be defined over an east-west strip of land, of variable width, extending from the eastern alignment of Loftus Lane to the western alignment of Young Street, adjoining the southern side of Hinchliffe House (building H) at 5-7 Young Street, passing between buildings H and C as shown on approved plans numbered AR-XP-B-00 and AR-XC-B-00; and
 - (ii) A Right of Public Access is to be defined over a strip of land, of variable width and a general nominal width of 3.5m, extending from the eastern alignment of Loftus Lane to the western alignment of Young Street, passing through proposed building C in a north-east/south-west direction, and including areas adjoining the alignments of Young Street and Loftus Lane, all as shown on approved plans numbered AR-XP-B-00 and AR-XC-B-00 (Public Access is to be provided minimum 0700-2400 daily); and
 - (iii) A Right of Public Access is to be defined over an east-west strip of land, of a nominal width of three metres, extending from the eastern alignment of Loftus Street to the western alignment of Loftus Lane, adjoining the southern side of Gallipoli House (building G), and passing between buildings B and G as shown on approved plans numbered AR-XP-B-00 and AR-XB-B-00; and
 - (iv) A Right of Public Access is to be defined over an east-west strip of land, of variable width, extending from the eastern alignment of Loftus Street to the western alignment of Loftus Lane, passing generally through the middle of building A as shown on approved plans numbered AR-XP-B-00 and AR-XA-B-00 (Public Access is to be provided minimum 0700-2400 daily).

The Rights of Public Access are to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles (other than wheelchairs), to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

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

(35) EASEMENT FOR PUBLICLY ACCESSIBLE CIVIC SPACE

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Publicly Accessible Civic Space is to be created and registered on the Title of the development site over an area of approximately 60m² adjoining the eastern alignment of Loftus Lane and the north-western corner of Building C, as shown on the approved plans numbered AR-XP-B-00 and AR-XC-B-00.

The Easement for Publicly Accessible Civic Space are to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

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

(36) DEDICATION OF AIR SPACE LOT(S)

The owner must transfer to Council the airspace above the development site as detailed in the registered Voluntary Planning Agreement for the site. The airspace lot is to be detailed in a plan (or plans) of stratum subdivision of the site and is to be consistent with the requirements of the registered Voluntary Planning Agreement for the site. The plan (or plans) of subdivision is to be registered at the NSW Office of Land and Property Information prior to an Occupation Certificate, for whatever building is located directly beneath the respective airspace lot, being issued.

(37) RESTRICTION ON PERMITTED FLOOR SPACE RATIO

A documentary Restriction on the Use of Land limiting the Gross Floor Area of the buildings erected on each lot below (and consequently the permitted Floor Space Ratio for each lot) is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council, in terms to Council's satisfaction, restricting the amount of gross floor area (as defined in the Sydney LEP 2012), and consequently the Floor Space Ratio, permissible for each site detailed above, to that approved by this Development Application (D/2015/930).

(38) RESTRICTION ON MINIMUM NON-RESIDENTIAL FLOOR SPACE

A documentary Restriction on the Use of Land on Minimum Non-Residential Floor Space is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council in terms restricting the amount of non-residential floor space permissible for each site detailed above, to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

(39) LANES DEVELOPMENT RESTRICTION

A documentary Lane Development Restriction on the Use of Land is to be created and registered on the Titles of:

- (a) Lots 1 to 4 in Deposited Plan 134760;
- (b) Lot 1 in Deposited Plan 810463;
- (c) Lot 501 in Deposited Plan 709624; and
- (d) Lot 1 in Deposited Plan 134861.

The Restriction on the Use of Land is to be created appurtenant to Council in terms restricting the size of retail spaces on each site detailed above and as shown on approved plans AR-XP-B-14 and AR-XP-B-15. The terms of the Restriction are to be to Council's satisfaction and consistent with the registered Voluntary Planning Agreement for the site.

(40) PUBLIC WAY LEASE OR SALE AGREEMENT

Prior to commencement of the construction of the basements of the building within the public way, a separate application must be made to Council under Section 149 of the Roads Act 1993, and the owners of the site are to enter into a formal Lease or Agreement to Lease or purchase the stratum of Loftus Lane to be occupied by the basements and any other parts of the proposed buildings.

In the case of a lease the payment of rent and the lease term is to be limited to a maximum period of 40 years.

Such sale or lease is to be subject to all conditions considered necessary to protect Council's interests and those of the public, and subject to a rental or purchase price in a sum to be assessed by Council's valuers. All associated fees and costs (including with those associated with the preparation and registration of the required Plan of Subdivision) are to be borne by the owners of the site.

If the stratum of Loftus Lane is to be the subject of a lease, the owners of the site are to maintain a public liability policy of not less than 20 million dollars for the duration of the lease as well as a security bond. The public liability policy with must note the "Council of the City of Sydney" as an interested party. The agreement must also contain an indemnity clause where the owner indemnifies the City for any damage, injury or death arising out of the use or construction of the basements and improvements referred to above.

(41) SECTION 138 APPROVAL

Prior to the commencement of any work within the public way associated with the construction of the basements of the building within the public way of Loftus Lane, approval is to be obtained from Council under Section 138 of the Roads Act 1993.

(42) EASEMENTS RELATING TO USE OF ADJOINING PROPERTY

Due to the development utilising facilities located within different sites within the development, appropriate easements for access and use of those various facilities (such as garbage rooms) must be created over those parts of the adjoining properties that are to be utilised for access and use.

(43) 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 Code".

(44) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
- (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

(45) RESIDENTIAL AMENITY – GENERAL

- (a) Ensure adequate lighting, open sightlines and security measures such as keycard or remote control access and CCTV are at the entrance to basement car parks and install signage in the car park requesting residents to take their valuables with them.
- (b) Ensure that common entries are accessible by keycard / pad or intercom system and should be self-closing and self-locking.
- (c) Ensure that individual dwellings incorporate solid core doors, security locks and one-way viewers.
- (d) Ensure that communal areas such as garbage storage areas, parking and recreation areas are situated along well used clearly defined routes, are observable from private and semi-private areas and do not provide potential entrapment spots.
- (e) Ensure that lighting illuminates pedestrian routes, dwelling entries, internal and external communal areas such as hallways, foyers, lifts and stairwells.
- (f) For CCTV installed into the public domain, consideration should be given to the types of cameras proposed, placement, management, monitoring and storage of data as well as a proposed protocol for sharing information. Consideration should be given to liaising with local police (Sydney City LAC) about placement in and around the development and its management.

(46) ALLOCATION FOR CAR WASH BAYS

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

(47) ALLOCATION FOR VISITOR PARKING

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

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

(48) 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.

(49) 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 Stage 5 Construction Certificate.

Car Parking Type	
Residential spaces	54
Accessible residential spaces	17
Car share parking	2
Retail spaces	3
Motorcycle parking	6
Service vehicle spaces	3
9.25 min length – Accommodate Council Waste Truck (at grade loading dock 9-17 Young Street)	1
Total	86

(50) 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".

(51) 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	Young & Loftus Street	Requirements
Residential	114	Spaces must be a class 1 or class 2 bicycle facilities
Residential visitor	12	Spaces must be Class 3 bicycle rails
Non-residential (staff)	28	Spaces must be Class 2 bicycle facilities
Visitor	36	Spaces must be Class 3 bicycle rails
End of Trip Facility Type		
Showers with change area	5	
Personal lockers	28	

Note:

- (i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Director City Planning, Development and Transport and the Principle Certifying Authority confirming prior to the Stage 5 Construction Certificate being issued.

(52) CAR SHARE SPACES

- (a) A minimum of 2 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Stage 5 Construction Certificate being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must accessible to members of the car share scheme at all times.

- (f) The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

(53) 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: It is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

(54) 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.

(55) INTERCOM FOR VISITORS

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

(56) VEHICLE ACCESS

All vehicles must enter and leave the site in a forward direction.

(57) 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.

(58) 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.

(59) PARKING ON COMMON PROPERTY AREAS

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

(60) 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.

(61) SERVICE VEHICLE SIZE LIMIT – AT GRADE LOADING DOCK (9-17 YOUNG STREET)

The size of vehicles servicing the property must be a maximum length of 9.25m (medium rigid vehicles).

(62) 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.

(63) 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.

(64) 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.

(65) LOADING DOCK MANAGEMENT PLAN FOR 9-17 YOUNG STREET

- (a) A Loading Dock Management Plan, must be submitted to and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted.
- (b) The Plan should identify how the service space will be managed and used by all building tenants, not just the retail area.
- (c) The Plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.
- (d) The plan shall be managed either by a schedule showing all tenants and residents when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

(66) TRAFFIC AND TRANSPORT

The traffic and transport related works are not formally approved as part of this consent. All works requiring amendments to the traffic, transport and kerb side parking restrictions are subject to further approvals including the closure of Loftus Lane. All works need to be referred to Council's City Infrastructure and Traffic Operations Unit for their assessment and referral to the local Pedestrian, Cycling and Traffic Calming Committee. Some of these works will also require a referral to the Central Sydney Traffic and Transport Committee (CSTTC). These referrals, and approval of the works by the City must occur prior to the approval of a Stage 5 construction certificate.

(67) SECTION 116 OF THE ROADS ACT

- (a) The proposed road closure of Loftus Lane will prohibit existing traffic movements. This requires section 116 of the Roads Act to be satisfied.
- (b) Section 116 requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.
- (c) The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.

- (d) Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.
- (e) This process must be completed prior to any approval for the construction of the median being granted.
- (f) The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.
- (g) The Section 116 process can happen concurrently with the process to approve the road closure design.
- (h) All fees and costs associated with the approval of a Section 116 application are to be borne by the developer.

(68) LOFTUS LANE SOUTH

Further detail is to be provided regarding the following:

- (a) Arrangements / treatments to Loftus Lane South designed to promote a slow speed environment and prioritise pedestrian safety
- (b) Avoidance of potential conflicts between service vehicles accessing the loading dock and vehicles accessing the car park
- (c) Control of vehicle movements accessing the car park to restrict left turn movements from the car park driveway

A revised plan must be submitted to and approved by Council (and other authorities) prior to the Stage 5 Construction Certificate for the subject site/use being granted.

(69) SHARED ZONE

- (a) The proposed shared zones on Loftus Lane South are not approved as part of this consent.
- (b) The detailed design must be submitted to and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted.
- (c) The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval.
- (d) Additional reports, information or design changes may be required by Council officers, the LPCTCC or the RMS during the approvals process. The cost for these changes must be undertaken by the applicant at their own cost.
- (e) If these streets are not approved to be shared zones an alternative design must be undertaken and submitted to Council and approved by Council prior to the Stage 5 Construction Certificate for the site/use being granted

[Note: The process of gaining a shared zone approval can take a number of months. It is recommended the applicant begin the process as soon as practical to avoid holding up the issuing of the Construction Certificate. (RMS shared zone policy and guidelines can be found on their website).]

(70) CONSULTATION WITH THE CBD COORDINATION OFFICE

The proponent is to consult with the CBD Coordination Office to address the impacts on bus layover and operations.

The proponent is to provide a bus layover and operations plan to the satisfaction of the CBD Coordination Office and Council, prior to the issue of the Construction Certificate.

(71) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

The proponent prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to the issue of any construction certificate, which takes into account (but which is not limited to) other construction projects including CBD and South East Light Rail (CSELR) and 1 Alfred Street projects, in the Circular Quay and Wynyard Precincts.

The CPTMP should demonstrate that the construction impacts on the road network, bus operations and pedestrian/cyclist safety can be managed. The CPTMP should be prepared in consultation with TfNSW, Roads and Maritime services and City of Sydney. The final CPTMP is to be endorsed by the CBD Coordination Office within TfNSW prior to the issue of any construction certificate.

(72) CONSULTATION WITH CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM

The proponent is to consult any relevant project teams in the vicinity of the development to ensure traffic / transport interface issues are addressed prior to the commencement of construction. This will need to consider the CBD and South East Light Rail project, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

(73) TRANSPORT FOR NEW SOUTH WALES (TfNSW) – SPECIAL CONDITIONS

(a) Impacts of Bus Layover and Operations

(i) TfNSW requests that the proponent continue to consult with the CBD Coordination Office to address the impacts on bus layovers and operations and develops a bus layover and operations plan to the satisfaction of the CBD Coordination Office prior to the issue of a Construction Certificate.

- (b) Construction Traffic Management
 - (i) TfNSW requests that the proponent prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of construction, which takes into account other construction projects (including CBD and South East Light Rail (CSELR) and 1 Alfred Street projects in the Circular Quay and Wynyard precincts.
 - (ii) THE CPTMP should demonstrate that the construction impacts on the road network, bus operation and pedestrian/cyclist safety can be managed. The CPTMP should be prepared in consultation with TfNSW, Roads and Maritime Services and City of Sydney. The final CPTMP should be endorsed by the CBD Coordination Office within the TfNSW prior to the issue of any Construction Certificates.
- (c) Shared Zone of Loftus Lane
 - (i) Any proposed shared zones shall be in accordance with the Roads and Maritime Technical Direction (TTD 2014/003 July 2014) Design and implementation of shared zones including provision for parking. Prior to the issue of the relevant Construction Certificate, an approval for the proposed shared zone arrangements must be obtained from Roads and Maritime Services.

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.

(74) 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) that affect the external appearance of the building.

(75) 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.

(76) FLOOR TO CEILING HEIGHT

Prior to a stage 6 Construction Certificate being issued, the Certifying Authority must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

(77) 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.

(78) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(79) 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).

(80) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(81) WASTE MANAGEMENT FACILITIES

Prior to the issue of a Stage 6 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 capable of holding the required amount of waste receptacles is to be provided at street level, within 10m of and at the same level as the standing area for Council's waste collection vehicle, and inside the property boundary, for waste collection purposes,

- (b) Waste receptacles or garbage bins must not be stored on Loftus Lane or any part of the public way adjoining the development site prior to collection or at any other time;
- (c) The proposed turntable within the loading area, to be utilised for waste collection purposes, is to be of a size and capacity that will allow it to be used by Council's waste collection vehicles;
- (d) All areas accessed by Council's waste collection vehicles must be provided with a minimum vertical clearance of 4 metres, taking such items as pipes, ducts and the like into account,
- (e) 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,
- (f) The physical separation of residential waste from that generated by the commercial tenancy which is to be collected by a private contractor.

(82) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste Management Plan is to be approved by the Certifying Authority prior to a Stage 6 Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

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

(83) WASTE AND RECYCLING COLLECTION CONTRACT

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

(84) 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) Waste collections are to be undertaken two times per week.

- (c) Larger types of waste containers are recommended for a development of this size (1100, 660lt bins).
- (d) The development must have a residential rating or have applied for a residential rating prior to a City of Sydney waste service.

(85) LAND REMEDIATION

- (a) A Site Remedial Action Plan (RAP) is to be submitted to the City Area Planning Manager prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines" and Councils Development Control Plan "Contaminated Land".
- (b) The RAP shall include a waste classification plan, an additional sampling program and a validation strategy that demonstrates the efficacy of the tank and fill removal program.

Note: The RAP must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or letter of interim advice issued by the Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use. The Section B Site Audit statement or letter of interim advice regarding the RAP shall be provided to council prior to the commencement of works in relation to remediation of the site.

- (c) The site is to be remediated and validated in accordance with the Remedial Action Plan endorsed by the NSW Accredited Site Auditor and approved by council.
- (d) All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.
- (e) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.
- (f) Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and council prior to the commencement of such work.

(86) CLASSIFICATION OF WASTE

- (a) 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.
- (b) A Waste Classification Plan must be prepared and reviewed by an EPA Accredited Site Auditor.

(87) SITE AUDIT STATEMENT

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

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

(88) DISCHARGE OF CONTAMINATED GROUNDWATER

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

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

(89) IMPORTED FILL MATERIALS

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

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

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

(90) 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.

(91) STOCKPILES

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

(92) ENVIRONMENTAL MANAGEMENT PLAN

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

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

(93) REGISTRATION OF COVENANT

- (a) A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

- (b) A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge there from of any contaminants or for any works subsequently required by the NSW Environment Protection Authority.

(94) UNDERGROUND STORAGE TANK REMOVAL

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

(95) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, WorkCover must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and WorkCover document entitled How to manage and control asbestos in the work place: Code of Practice (NSW WorkCover) and the City of Sydney Managing Asbestos Policy.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal work area should be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

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

The site notice board must include the following:

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

(96) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan prepared by Coffey, dated 15 May 2015, must be implemented.

(97) EMISSIONS

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

(98) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

The 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.

(99) 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.

(100) 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.

(101) 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.

(102) TREES THAT MUST BE RETAINED

Approval is NOT granted for the removal of any street trees. All street trees must be retained and protected throughout the proposed development.

(103) 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) 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.

(104) 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'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

(105) SANDSTONE RECYCLING (FOR LARGER SCALE DEVELOPMENTS INVOLVING EXCAVATION TO A DEPTH OF AT LEAST ONE BASEMENT LEVEL)

- (a) A suitably qualified expert must prepare a report which confirms the existence of sandstone or otherwise on the site and analyses the quality of the material, including contamination, to confirm whether or not it is of a quality suitable for reuse in other construction.
- (b) Subject to confirmation that the rock is of suitable quality, an Excavation Work Method Statement must be prepared which outlines the method for the removal of all sandstone material in a useable form and size.
- (c) Prior to a Stage 3 Construction Certificate being issued, the excavation methodology, including details of any required storage of material off site, must be submitted to and approved by Council.

Note: If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is Yellow Block sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Public Works. Please contact the Manager Centenary Stonework Program at the NSW Public Works on 9372 8526 for further enquiries with regard to storage.

(106) 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 Stage 1 Construction Certificate being issued.

(107) CONSTRUCTION LIAISON COMMITTEE

- (a) Prior to the commencement of any work, a Construction Liaison Committee is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- (b) The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the Construction process.
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.
- (f) The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.
- (h) The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Director City Planning, Development and Transport prior to sending.

- (i) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.

(108) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

Prior to works commencing a site specific noise management plan shall be submitted to Council's Director City Planning, Development and Transport for comment and approval. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants.

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

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

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

(109) COMPLIANCE WITH RECOMMENDATIONS IN ACOUSTIC REPORT

- (a) All works conducted on site which form part of this development must be carried out in accordance with the recommendations of the acoustic report prepared by ARUP, dated 26 June 2015, ref Acoustic/Stage 2 DA, Issue 3, titled AMP Capital Quay Quarter Sydney Stage 2 Development Application – Acoustic Report, Council Ref 2015/333203.
- (b) Where all such noise control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedance with the Council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite from the noise causing the complaints. Such periods should where possible be set and agreed with the Council and be given at times of high noise levels, or are likely, to cause most offence.
- (c) The applicant must provide a contact telephone number to the Managers of the City Rangers and the Health Compliance Unit for the Site Manager or other suitable person who will be readily contactable onsite at all times whilst any works are carried out and whom may be contacted should any complaints concerning offensive noise and vibration be received.
- (d) The applicant must also ensure that before any works are commenced, an appropriate level of community consultation has been carried out with surrounding noise sensitive receivers. This should include the submission of a suitable and readily contactable site contact should any complaints or other issues arise when any works are carried out within the extended hours. Complaint logs shall be kept outlining the details of any complaint received together with the investigative and corrective actions taken in response to that complaint. The logs must be made available to the City on request.

(110) COMPLAINTS - NOISE

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

(111) NOISE USE

- (a) **General criteria**

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

- (i) The $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the background noise level $L_{A90, 15\text{minute}}$ by more than 5dB when assessed at the boundary of any affected residence.
- (ii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1- 1997-Description and measurement of environmental noise.
- (iii) The $L_{Aeq, 15\text{minute}}$ noise level shall be adjusted to account for any applicable modifying factors in accordance with Part 4 of the EPA NSW Industrial Noise Policy.
- (iv) In this clause, the term “noise level emitted from the use” means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the $L_{Aeq, 15\text{minute}}$ when the use is not in operation.
- (v) In circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the $L_{A90, 15\text{minute}}$ noise level measured in the absence of all noise from the site.

(b) Internal to internal noise transmission - residential amenity

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 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 - 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 $L_{A90, 15\text{minute}}$ noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (excluding airconditioning equipment) normally servicing the affected residence operating.

(c) Internal to internal noise transmission – commercial amenity

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 commercial premises provided that:

- (i) 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 commercial premises closed;

- (ii) The $L_{A90, 15\text{minute}}$ noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including airconditioning equipment) normally servicing the commercial premises operating.

(112) NOISE CONTROL VERIFICATION

The Principal Certifying Authority (PCA) shall obtain a statement from appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants, certifying that the Councils 'Noise Use' criterion have been satisfied prior to the issue of an Occupation Certificate.

(113) 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 Stage 3 – Site Excavation Construction Certificate being issued 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 Stage 3 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.

(114) 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".

(115) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

The recording must include clear images of the 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.

(116) PRESERVATION OF SURVEY MARKS

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

Prior to the issue of a Stage 1 – Early Works 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).

(117) 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.

(118) PUBLIC DOMAIN PLAN

- (a) The Public Domain Plan accompanying this Development Application has not been approved by this consent.

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 Stage 6 – Building Structure Construction Certificate being issued for public domain work. 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.

(119) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Stage 6 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.

(120) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Stage 3 – Site Excavation_Construction Certificate being issued excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued 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.

- (c) 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.
- (d) 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 flow of post-development pollutants from the site due to stormwater will be reduced.

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.

(121) 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.

(122) DRAINAGE AND SERVICE PIT LIDS

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

(123) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Young Street, Loftus Street, Loftus Lane, Loftus Lane South and Customs House Lane 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.

(124) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 267 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval of a Stage 1 – Early Works Construction Certificate being issued.

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.

(125) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Stage 6 - Building Structure Construction Certificate for public domain works a detailed Public Domain Lighting Plan for pedestrian, catenary 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.

(126) 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.

(127) FLOOD PLANNING DESIGN MODIFICATIONS

- (a) The vehicle entry into the basement on Loftus Lane South shall be protected from inundation by flood waters up to the Probable Maximum Flood (PMF) level. Flood gates shall be used to provide PMF protection to the basement vehicle opening. All other basement openings (including ventilation ducts, lift shaft openings, risers and stairwells) shall have a 300mm threshold from the invert of the gutter.

- (b) A grated drain in private property along the width of the vehicle entry into the basement shall be provided and sized to capture and convey the 100 year ARI rainfall event with appropriate blockage factors to the grates.
- (c) Where flood gates are used, the following shall apply:
 - (i) Flood gates shall be mechanically activated and installed in a manner that ensures activation is achieved in circumstances where electrical power to the site is not available.
 - (ii) A suitable automated system shall be installed to ensure that flood gates are activated upon commencement of basement flooding.
 - (iii) Suitable warning systems, signage and exits shall be provided to ensure the safe egress of persons from the basement during activation of the flood gates.
 - (iv) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all systems involving the flood gates to ensure operation and maintenance of the system.
- (d) The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the Stage 3 – Site Excavation Construction Certificate being issued.

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

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

(129) 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.

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

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a stage 1 Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
- (i) A bank guarantee to be provided in the sum of \$551,750 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$551,750 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the erection of the structure has commenced;
 - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - a. make the building safe and of an appearance acceptable to Council at ground level;
 - b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
- AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

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

(131) INSTALLATION OF GRAPHICS AND ARTWORK ON SCAFFOLDING (BUILDING / CONSTRUCTION WRAPS)

- (a) Where scaffolding is to be erected to undertake the proposed development, approved graphic/artwork installation/s (construction wrap image/s) must be installed on the scaffolding system/s to screen the demolition and/or construction works from the public place to minimise adverse visual impacts in the locality and to add visual interest in the streetscape.
- (b) Construction wrap image/s and proposed location/s on the development site must be discussed with Council prior to undertaking detailed artwork design and approval being granted.
- (c) Construction wraps must be printed, installed and maintained in accordance Council's Guidelines for Hoardings and Scaffolding.

Note: Where hoardings and/or scaffolding (temporary structures) are erected on land owned by the City such as roadways and footways, Council reserves the right to require the display of site-specific artwork and/or community information (refer to Clause 3.4 of the Guidelines for Hoardings and Scaffolding).

(132) 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). Temporary structures must comply with Council's Guidelines for Hoardings and Scaffolding.
- (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 Hoardings 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 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 structure/s 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 deck 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 (3.9.3; 3.9.6; 3.9.8; 3.10.1 and 4.2).

(133) AUSGRID REQUIREMENTS

The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to determine the method of electrical supply for the development.

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- (a) Changes in electrical load requirements
- (b) Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- (c) Works affecting Ausgrid's easements, leases and/ or right of ways
- (d) Changing the gradients of any roads or paths
- (e) Changing the level of roads or foot paths
- (f) Widening or narrowing of roads
- (g) Closing roads or laneways to vehicles
- (h) In all cases Ausgrid is to have 24 hour access to all its assets.

The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(134) 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.

(135) ELECTRICITY SUBSTATION

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

(136) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

(137) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

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

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

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

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

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

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

(139) 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).

(140) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a rating of 5 stars under the NSW Office and Environment and Heritage (OEH) National Australian Built Environment Rating System (NABERS Energy). This can be demonstrated by:

- (a) Entering into a Commitment Agreement with OEH, to deliver this star rating:
 - (i) for the base building, being services traditionally supplied as 'common' to tenants such as air conditioning, lifts and common area lighting;
 - (ii) or for the whole building where there is to be one tenant to occupy the whole building.

The applicant must provide a copy of the completed Commitment Agreement with their Construction Certificate application; and

- (b) Providing a copy of the independent energy assessment report to OEH and submitted with the Construction Certificate application, that follows the current OEH guidelines. This report must be based on the same documents as those submitted with the Construction Certificate.

Note: Definitions referred to in clause (a) above:

- (i) Commitment Agreement means an agreement that is set out in accordance with OEH NABERS Commitment Agreement, which is made/signed between OEH and the applicant/building owner/building manager, to design, build and commission the premises to an agreed star rating.
- (ii) Star rating refers to the benchmarking system applied by OEH for measuring the energy efficiency of a building, and known as NABERS the National Australian Built Environment Rating System.
- (iii) Base building means central services and common areas of a building.

- (iv) Tenancies means office space within a building covering tenant light and power. This may include tenancy air conditioning if this has been installed to service particular tenant loads, but does not include central services.
- (v) Whole building means all of the building, being the fabric of the building itself and all services and fit-outs.

(141) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued.

(142) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Certifying Authority, prior to an Occupation Certificate being issued.

(143) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Certifying Authority, prior to a Construction Certificate being issued.

(144) INTERNAL LIGHTING SYSTEM

The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(145) 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.

(146) USE OF LOFTUS LANE DURING DEMOLITION WORKS

If the developer intends to close Loftus Lane for the purposes of carrying out demolition works, a separate application to Council shall be required to be made. Any closure will be subject to all conditions considered by Council to be necessary to ensure that the traffic impact on existing adjoining properties is acceptable.

(147) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS

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

(148) 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.

(149) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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

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

(150) 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.

(151) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(152) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(153) 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.

(154) 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.

(155) 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.

(156) STREET NUMBERING – MAJOR DEVELOPMENT

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

(157) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(158) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(159) 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.

(160) 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.

(161) 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.

(162) BASIX

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

SCHEDULE 2

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

SCHEDULE 3**Terms of Approval****Other Integrated Development Approvals**

The Terms of Approval for Integrated Development as advised by NSW Department of Primary Industries - Water are as follows:

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

5. The NSW DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to the NSW DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [The DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
11. A copy of a valid consent for the development shall be provided in the initial report.
12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of the NSW DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the Applicant shall submit to the NSW DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by NSW DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

Carried unanimously.

ITEM 6 DEVELOPMENT APPLICATION: 105-115 PORTMAN STREET ZETLAND - SITE 12A (D/2015/294)

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2014/1758 after:
 - (i) the Australian Department of Infrastructure and Regional Development, through Sydney Airport Corporation, provides concurrence to the development and associated crane height.
- (B) if the Chief Executive Officer determines to approve the application, then consideration be given to draft conditions as shown in Schedule 1A, Schedule 1B, Schedule 1C and Schedule 2 and Schedule 3 of the subject report to the Central Sydney Planning Committee on 19 November 2015, and any other relevant conditions:

Carried unanimously.

ITEM 7 POST EXHIBITION – PLANNING PROPOSAL – SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – INDUSTRIAL AND WAREHOUSE BUILDINGS HERITAGE STUDY – HERITAGE LISTING OF IDENTIFIED INDUSTRIAL HERITAGE ITEMS AND AREAS (S122740)

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

It is resolved that:

- (A) the Central Sydney Planning Committee note the submissions received to the public exhibition of the planning proposal, shown at Attachment C to the subject report;
- (B) the Central Sydney Planning Committee approve the revised planning proposal, shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 November 2015 that Council approve the amendment to Sydney Development Control Plan 2012 Heritage Contributions Map, shown at Attachment B to the subject report; and
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 17 November 2015 that Council delegate authority to the Chief Executive Officer to make any minor amendments to the planning proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

Carried unanimously.

The meeting of the Central Sydney Planning Committee concluded at 5.43pm.

CHAIR