

**ATTACHMENT C**

**NOTICE OF DETERMINATION  
D/2011/1760/A**

**106-116 EPSOM ROAD, ZETLAND**



5 January, 2015

LINCON DEVELOPMENT PTY LTD  
C/- Mecone Pty Ltd  
S1204B, 179 Elizabeth St  
SYDNEY NSW 2000

**SECTION 96 MODIFICATION APPROVAL FOR 106-116 EPSOM ROAD , ZETLAND  
NSW 2017 APPLICATION NO: D/2011/1760/A**

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Dear Sir/Madam

I refer to your application dated 10 December 2014 to modify the consent for Development Application No. D/2011/1760 in the following manner:

Amend Part A(2) to modify length of deferred commencement timeframe.

You are advised that your application for modification has been **approved** under Section AA(1) of the Environmental Planning and Assessment Act 1979. A copy of the Notice of Determination of the original development application is attached with the amendments resulting from the modification shown in ***bold italics***.

This approval is limited to only those amendments requested in your Section 96 application dated 10 December 2014. Approval is not granted for any other items which may have been amended on the submitted drawings and for which approval has not been specifically sought.

This approved modification will require an amended Construction Certificate which must be obtained from your Certifying Authority (Council or private accredited certifier). Building work must not commence until an amended Construction Certificate has been approved.

The Council officer dealing with this application is **Kate Bartlett ph. 02 9265 9200, email [kbartlett@cityofsydney.nsw.gov.au](mailto:kbartlett@cityofsydney.nsw.gov.au)**. Please contact this officer if further information is required.

Yours faithfully

**GRAHAM JAHN**  
Director Planning, Development and Transport

**Notes:**

Modification of development consent in accordance with Section 96 of the Act shall not be construed as the granting of development consent, but reference to a development consent, is a reference to the development consent so modified.

Section 96(6) of the Act confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court and the Court may determine the appeal.

For the reasons for imposing conditions, refer to the Notice of Determination for the original development consent.

Modification of a development consent does not remove the need to obtain any other statutory consent necessary under the Environmental Planning and Assessment Act 1979, or any other Act.

The conditions of consent of the development application have been modified with the consent of the applicant.

**DEFERRED COMMENCEMENT - APPROVAL** issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, in accordance with the provisions of section 80(3)

<b>Development Application No.</b>	D/2011/1760/A
<b>Applicant</b>	LINCON DEVELOPMENT PTY LTD C/- Mecone Pty Ltd S1204B, 179 Elizabeth St SYDNEY NSW 2000
<b>Land to be developed</b>	106-116 Epsom Road , ZETLAND NSW 2017  Lot 1 DP 830870
<b>Approved development</b>	Stage 1 development application for demolition of all existing structures, building envelopes of up to 14 storeys, basement parking and public domain works (including public open space on the rear portion of the site, new road layout, through site links and landscaping).
<b>Cost of development</b>	\$178,624,027.00
<b>Determination</b>	The application was determined by the Land and Environment Court and was granted consent <b>subject to the attached conditions</b> and was granted a deferred commencement <b>subject to the conditions in Part A and B.</b>  This Section 96 modification application was determined under delegation of Council and was granted consent <b>subject to the attached conditions.</b>
<b>Date of Determination</b>	<b>30 July 2013</b>
<b>Consent is to operate from</b>	<b>Refer to section 80(3) of the Act</b>
<b>Consent will lapse on</b>	<b>Five</b> years from the date the consent is to operate from
<b>Date of Section 96AA(1) Modification</b>	<b>5 January 2015</b>

### **Reasons for conditions**

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

### **Right of Appeal**

If you are dissatisfied with this decision, Section 96(6) of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environmental Court within 6 months after the date of this Notice of Determination.

Alternatively, you may request a review under Section 96AB of the Act within 28 days of the date of this notice (NB section 96AB is not applicable to integrated or designated development).

**GRAHAM JAHN AM**

Director - City Planning, Development & Transport

### PART A

#### CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING

1. Prior to the activation of consent:
  - (a) The applicant/developer must liaise and obtain approval from the Sydney Airport Corporation Limited for all buildings/structures with a maximum height greater than 51 metres above Australian Height Datum.
  - (b) The Voluntary Planning Agreement between the Council of the City of Sydney and Lincon Development Pty Ltd (as exhibited 5 July 2013) shall be executed and submitted to Council; and
  - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land;
2. 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~~ **36 months** of the date of determination of the development application;
3. 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
4. Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent contained under Part B.

***(As modified by D/2011/1760/A, dated 5 January 2015)***

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

Upon compliance with the conditions contained in Part A, the consent will become operative subject to the following conditions, as may be amended by such other conditions that may reasonably arise as a result of compliance with conditions/information required in Part A.

**(1) APPROVED DEVELOPMENT**

- (a) The Stage 1 proposal is endorsed in accordance with Development Application No. D/2011/1760 dated 2 November 2011 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA 1.02 (rev.C) Site Plan	Architects + Partners	10.04.2013
DA 2.00 (rev.C) Sub-Floor Plan	Architects + Partners	10.04.2013
DA 2.01 (rev.C) Typical Basement Plan	Architects + Partners	10.04.2013
DA 2.02 (rev.C) Ground Floor Plan	Architects + Partners	10.04.2013
DA 2.03 (rev.C) Level 1-3 Floor Plan	Architects + Partners	10.04.2013
DA 2.04 (rev.C) Level 4 Floor Plan	Architects + Partners	10.04.2013
DA 2.05 (rev.C) Level 5 Floor Plan	Architects + Partners	10.04.2013
DA 2.06 (rev.C) Level 6-7 Floor Plan	Architects + Partners	10.04.2013
DA 2.07 (rev.C) Level 8 Floor Plan	Architects + Partners	10.04.2013
DA 2.08 (rev.C) Level 9 Floor Plan	Architects + Partners	10.04.2013
DA 2.09 (rev.C) Level 10-13 Floor Plan	Architects + Partners	10.04.2013
DA 3.00 (rev.C) Epsom Road Elevation	Architects + Partners	10.04.2013
DA 3.01 (rev.A) Peters Street North Elevation	Architects + Partners	10.04.2013
DA 3.02 (rev.A) Peters Street South Elevation	Architects + Partners	10.04.2013



Drawing Number	Architect	Date
DA 3.03 (rev.A) George Julius Ave Elevation	Architects + Partners	10.04.2013
DA 3.04 (rev.A) Rose Valley Way North Elevation	Architects + Partners	10.04.2013
DA 3.05 (rev.A) Rose Valley Way South Elevation	Architects + Partners	10.04.2013
DA 3.06 (rev.A) Letitia Street West Elevation	Architects + Partners	10.04.2013
DA 3.07 (rev.A) Letitia Street East Elevation	Architects + Partners	10.04.2013
DA 3.08 (rev.A) North Elevation	Architects + Partners	10.04.2013
DA 3.09 (rev.A) East Elevation	Architects + Partners	10.04.2013
DA 3.10 (rev.A) West Elevation	Architects + Partners	10.04.2013
DA 4.00 (rev.C) Section A-A	Architects + Partners	10.04.2013
DA 4.01 (rev.A) Section B-B	Architects + Partners	10.04.2013

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.
- (c) All dimensions shown on the approved plans are subject to coordination with an accurate survey plan, to be submitted as part of any Stage 2 development application.
- (d) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## (2) EXTENT OF STAGE 1 APPROVAL

This Stage 1 approval is a concept approval for general building envelopes, uses, road layouts, communal open space and public domain dedications.

The exact number of storeys in each building and the total gross floor area of the development will be determined as part of any future development application/s.

**(3) NO DEMOLITION OR WORK TO OCCUR PRIOR TO STAGE 2 DEVELOPMENT APPLICATION**

Consent is not granted for any of the following:

- (a) Demolition.
- (b) Any construction, refurbishment and/or excavation work.
- (c) The layout, number and mix of residential apartments.
- (d) The car parking layouts, car parking numbers and the location of driveways.
- (e) The design of the building exteriors including facades and roofs.

**(4) COMPLIANCE AGREEMENT WITH THE VOLUNTARY PLANNING**

The developer must comply with the obligations contained under the terms of the Voluntary Planning Agreement between the Council of the City of Sydney and Lincon Development Pty Ltd (as exhibited 5 July 2013) within the periods specified therein, including but not limited to the following elements:

- (a) Land dedications;
- (b) Easements;
- (c) Embellishment works to roads, footways, stormwater, landscaping and the like; and
- (d) Monetary contributions.

**(5) DEDICATION OF LAND**

- (a) A Draft Plan of Subdivision of the site must be submitted as part of any future Stage 2 development application/s. The plan must include:
  - (i) The dedication of the rear portion of the site in accordance with the Voluntary Planning Agreement referred to in Condition (4) above.
  - (ii) The public road reserves shown on the Public Domain Plan prepared by Architects + Partners, numbered 1.01 Rev. A, dated 10.04.2013).
- (b) The subdivision of land requires development consent and subsequent approval of the final Plan of Subdivision and issue of the Subdivision Certificate under Part 4A of the Environmental Planning and Assessment Act 1979.
- (c) Any proposal to Strata subdivide the buildings will require separate applications to obtain development consent from Council and subsequent approval of the final Strata Plan and endorsement of the Strata Certificate by Council or an accredited certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

### (6) FLOOR SPACE RATIO

- (a) The base floor space ratio for the site is 1.5:1, as provided in the Sydney LEP 2012. The site is eligible for Community Infrastructure Floor Space of up to 2:1 in accordance with Clause 6.14 of the Sydney LEP 2012 and the provision of public benefits to be provided pursuant to the Voluntary Planning Agreement referred to in Condition 4 .
- (b) If the design of any of the buildings is the winner of a competitive design process and Council is satisfied that the building/s exhibits design excellence, Council may grant consent to an amount of floor space that exceeds the floor space ratio permitted under the Sydney Local Environmental Plan (ie 2:1) by up to 10 percent (ie 0.20: 1).
- (c) If approved, the additional floor space must be distributed in accordance with the table provided on the Cover Sheet (numbered DA 000 Issue C, dated 10.04.2013), which demonstrates the maximum gross floor area allowable within each building (consistent with clause 3.3.5 of the Sydney DCP 2012).

Note: The amount of additional floor space achievable will not be considered until a detailed Stage 2 development application is submitted to Council.

### (7) BUILDING ENVELOPES

- (a) The architectural roof features shown on the plans are not approved.
- (b) The height of the approved building envelopes are:

<b>Building</b>	<b>RL</b>	<b>Max. height (metres)</b>	<b>Max. height (storeys)</b>
Building A1	RL 54.75	33 metres	10 storeys
Building A2	RL 66.56	45 metres	14 storeys
Building B1	RL 51.59	30 metres	9 storeys
Building B2	RL 47.54	27 metres	8 storeys
Building B3	RL 38.93	18 metres	5 storeys
Building B4	RL 39.41	18 metres	5 storeys
Building C1	RL 47.85	27 metres	8 storeys
Building C2	RL 38.89	18 metres	5 storeys
Building C3	RL 38.71	18 metres	5 storeys
Building 01	RL 47.18	27 metres	8 storeys

Building 02	RL 47.49	27 metres	8 storeys
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- (c) The building envelopes and RIs shown in (b) above are approved on the basis that all elements (including services, roof plant and other ancillary structures) will be integrated into the building design and included in the above RIs. Notwithstanding this, the building envelopes and RIs shown in (b) above do not include architectural roof features. Any architectural roof feature/s and other non-compliances with the RIs shown above are to be justified and assessed as part of future Stage 2 development applications in accordance with the SLEP 2012 (Clause 5.6 Architectural roof features or Clause 4.6 Exception to development standards)

**(8) LOCATION OF BUILDINGS A1 AND A2**

The location of Buildings A1 and A2 is based on the existing Sydney Water canal, which is currently exposed. If the canal is managed in an underground pipe at the time of commencing a Design Excellence Competition or lodging a Stage 2 development application for Buildings 1 and A2, then Buildings A1 and A2 are to be located .4 metres further north of the Epsom Road site boundary. This will increase the footpath along Epsom Road and reduce the width of Rose Valley Way to 15 metres.

**(9) TEMPORARY DRIVEWAY NOT APPROVED**

The temporary 6 metre wide driveway shown on the Site Plan (DA 1.02 Issue C, dated 10.04.2013) is not approved as part of the consent. George Julius Avenue will be a public street and therefore this reference must be deleted from any future Stage 2 development application/s.

**(10) FLOOR TO CEILING HEIGHTS**

As part of any future Stage 2 development application/s:

- (a) Each residential apartment is to have a minimum floor to ceiling height of 2.7 metres.
- (b) The commercial/retail tenancies are to have minimum floor to ceiling heights of 3.3 metres.

**(11) FLOOR TO FLOOR HEIGHTS**

As part of any future Stage 2 development application/s:

- (a) The floor to floor height for residential levels must be a minimum of 3.05 metres.
- (b) The floor to floor heights for commercial and/or retail levels must be a minimum of 3.6 metres at ground floor level.
- (c) The floor to floor height for commercial and/or retail levels above ground level must be a minimum of 3.3 metres.

### **(12) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE**

Any Stage 2 development application must comply with all aspects of SEPP 65 and the Residential Flat Design Code. A detailed compliance table is to be submitted with any Stage 2 DA.

Note: Assessment of the development against the solar access requirements contained in the Residential Flat Design Code will consider compliance across the whole of the site. Other criteria will be considered on a block-by-block basis (i.e. A-B-C-D as shown on the approved plans).

### **(13) SECTION 94 CONTRIBUTIONS**

Section 94 contributions will be payable pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended) and the City of Sydney Section 94 Contributions Development Contributions Plan 2006, and will be subject to any credit identified in the approved Voluntary Planning Agreement identified under Condition 4. The amount payable is to be determined at determination of a Stage 2 application.

### **(14) LAND CONTAMINATION**

- (a) The site (excluding the land on the rear portion of the site to be dedicated as a park and roadway) is to be remediated and validated in accordance with the approved RAP as denoted within the NSW EPA accredited site Auditor (Andrew Lau, JBS Environmental Pty Ltd) letter of interim advice reference 0503-1110-01 dated, 2 March 2012. Any variations to the proposed remediation Action Plan must be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.
- (b) Prior to the exportation of waste (including fill or soil) from the site as part of any future Stage 2 construction works, the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **(15) SITE AUDIT STATEMENT**

Prior to the execution of works associated with Stage 2 development application/s (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the SAS is issued.

### **(16) BLOCK A DRIVEWAY**

The intersection of George Julius Avenue, Epsom Road and Rosebery Avenue has been identified as a possible location for future signals. The location of the driveway to Block A must comply with the Council and RMS set back requirements from a signalised intersection. As such, the driveway cannot be located along the George Julius Avenue frontage. Details will need to be provided to Council as part of any future Stage 2 development application for the site.

### **(17) TYPICAL STREET SECTIONS**

- (a) Peters Drive Street must include (in section): a 3metre footway, 2.5metreparking lane with tree planting, 3metre traffic lane, 3metre swale, 3metre traffic lane, 2.5 metre parking lane with tree planting, 3metre footway. Final details are to be approved by Council's Traffic Operations Unit as part of the first Stage 2 development application.
- (b) The design and typical sections for George Julius Avenue must be submitted as part of the first stage 2 development application for the site. If the adjacent site has not been developed and an interim road is delivered, the typical sections must be approved prior to the construction certificate being issued.

### **(18) DESIGN OF NEW ROADS, THROUGH SITE LINKS AND EASEMENTS**

- (a) The extent of new roads, through site links and easements are to be in accordance with the requirements of the Voluntary Planning Agreement.
- (b) Detailed design drawings and specifications of the new roads, through site links and easements are to be submitted to Council as part of the relevant Stage 2 development application. The documentation must detail the design, scope and extent of all proposed road, drainage, infrastructure works and landscaping. The documentation must be prepared by a Professional Engineer and Landscape Architect and certified by an appropriately accredited certifier.
- (c) The design must be in accordance with Council's draft Sydney Streets Design Code and must be fully integrated with the Public Domain Plan for the development.
- (d) Stage 2 development application/s are to include and address any requirements and approvals from other authorities (such as public utility service authorities, etc.).

### **(19) DESIGN OF STREETS**

Any future Stage 2 application/s must demonstrate that:

- (a) All streets are designed in accordance with the City of Sydney Public Domain Manual and the Sydney Street Design Code; and
- (b) Stage 2 development application/s must include and demonstrate how all intersections are designed to accommodate a Council waste collection vehicle, as described in Council's Waste Minimisation Policy.

- (c) The applicant can provide evidence to Council's satisfaction that neither a waste collection vehicle nor a medium rigid vehicle will be required to use the intersection of George Julius Avenue and Epsom Road. In this instance, a swept path of the largest service vehicle using the street must be submitted (or a 899 car if no service vehicles will be using the street).

### **(20) TURNING PATHS**

A swept path analysis for each of the intersections must be submitted to Council as part of the street design information of the relevant Stage 2 application. The swept paths must be prepared to show the largest design vehicle performing that turn.

### **(21) TEMPORARY TURNING CIRCLES**

Any future Stage 2 development application/s must demonstrate the following:

- (a) That any road which is constructed and dedicated as a dead end street (as a result of the staged delivery of the site) must provide a temporary vehicle turning area.
- (b) Details of the vehicle turning for the affected road. As a minimum, all temporary turning areas must be designed to accommodate a Council waste collection vehicle, as defined in Council's Waste Minimisation Policy. The vehicle turning area must remain until the subsequent stages are complete and the turning area is no longer required.

### **(22) ALIGNMENT LEVELS**

As part of any future Stage 2 development application/s, footpath alignment levels for all new buildings must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.

### **(23) NOISE**

Any future Stage 2 development application/s will need to comply with Council's noise criteria for:

- (a) The emission of noise associated with the use, the operation of any mechanical plant and equipment.
- (b) Internal to internal noise transmission - residential amenity.
- (c) Internal acoustic amenity criteria for Green Square.
- (d) Internal to internal noise transmission - commercial amenity.

### **(24) DEWATERING**

If any dewatering of the site is to be undertaken as part of any future Stage 2 development application/s, a bore licence may be required from the NSW Office of Water (NOW) under the provisions of Part V of the Water Act 1912. The NOW licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

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

The applicant is required to confirm to Council that no dewatering is required for the construction project or that a Licence has been applied for and approved by the NOW before the commencement of any works on site.

### **(25) CIVIL AVIATION (BUILDINGS CONTROL) REGULATIONS**

The height of structures is limited to RL 51 in accordance with the Australian Height Datum without prior approval of the Sydney Airport Corporation Limited.

### **(26) TRAFFIC AND CAR PARKING**

- (a) Any Stage 2 development application/s must demonstrate compliance with the on-site parking rates contained in the Sydney LEP 2012.
- (b) As part of any future Stage 2 development application/s bicycle parking is to be provided in accordance with the City of Sydney DCP 2012 and the minimum requirements of Australian Standard AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities.
- (c) Off-street parking associated with Stage 2 development application/s (such as driveways, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) and service vehicle parking areas shall comply with AS 2890 .1-2004 and AS 2890 .2-2002.
- (d) The swept path of the largest vehicle entering and existing the loading bays within the subject site and associated with any Stage 2 development application/s should be in accordance with AUSTROADS.
- (e) All road works associated with the proposed development shall be at no cost to Council or the RMS.

### **(27) SERVICE AND GARBAGE VEHICLES**

Any future Stage 2 development application/s must demonstrate that loading and unloading facilities and parking for service and garbage vehicles is provided in accordance with Council's Policy for Waste Minimisation in New Developments.

### **(28) DETAILED DESIGN OF NEW ROAD**

Detailed design of new roads, including any alterations to the existing public road and traffic and parking arrangements associated with any Stage 2 development application/s, shall be designed to the satisfaction of Council and in accordance with RMS Technical Directives and shall be referred to the Sydney Traffic Committee for approval. New road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".



### **(29) PHYSICAL MODELS**

- (a) As part of any future Stage 2 development applications, an accurate 1:500 scale model of the development must be submitted to Council for the City Model in Town Hall House; and
- (b) Prior to an Occupation Certificate being issued for any future development applications, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandlodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandlodgingaDA.asp). Council's model maker must be consulted prior to construction of the model for Town Hall House. The Manager of Customs House must be consulted prior to the construction of the model for City Exhibition Space.
- (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.

### **(30) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**

- (a) As part of any future Stage 2 development applications, an accurate 1:1 electronic model of the detailed drawings must be submitted to Council for the electronic 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) property boundaries and the kerb lines adjacent to the site.

The data is to be submitted as a DGN or DWG file on physical media (floppy disc or CD). All plans are to be referenced to

the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) Within the DGN or DWG file each identified structure, feature, utility or service must be distinguished by a combination of layering and/or

symbology schema. The submitted plans must be accompanied by a comma delimited text file, detailing the layering and/or symbology schema.

- (d) The electronic model must be constructed in accordance with the City's electronic data protocol. The protocol provides specific details of the information required to be shown and is available online at [www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandlodgingaDA.asp](http://www.cityofsydney.nsw.gov.au/Development/DevelopmentApplicationGuide/PreparingandlodgingaDA.asp). Council's Design/Technical Support staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- (e) Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

### **(31) DESIGN FOR ACCESS AND MOBILITY**

Any Stage 2 development application/s must demonstrate compliance with the Australian Standards for Design for Access and Mobility AS 1428.1 – 2001 General Requirements for Access - New Building Work, AS 1428.2 – 1992 Enhanced and Additional Requirements – Buildings and Facilities, AS 1428.3 – 1992 Requirements for Children and Adolescents with Physical Disabilities and AS/NZS 1428.4 – 2002 Tactile Indicators, and the Sydney Development Control Plan 2012.

### **(32) ELECTRICAL SUBSTATION**

Any Stage 2 development application/s are to provide evidence of consultation with relevant energy suppliers to confirm availability of supply to the site and determine whether a substation is required to service the development's needs.

### **(33) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

Waste water arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained as part of any future Stage 2 development approvals.

### **(34) HAZARDOUS AND INDUSTRIAL WASTE**

As part of any future development application/s, hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:

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

- (b) Protection of the Environment Operations (Waste) Regulation 1996.
- (c) Waste Avoidance and Recovery Act 2001.
- (d) New South Wales Occupational Health & Safety Act 2000.
- (e) New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).
- (f) The Occupational Health & Safety Regulation 2001.
- (g) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.

### **(35) IMPORTED WASTE DERIVED FILL MATERIAL**

As part of any future development application/s, the only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997);
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### **(36) PUBLIC DOMAIN PLAN**

A detailed Public Domain Plan will need to be prepared as part of any future Stage 2 development application/s.

### **(37) ASSOCIATED ROADWAY COSTS**

As part of any future development application/s, 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 draft "Sydney Streets Design Code".

### **(38) PHOTOGRAPHIC RECORD/DILAPIDATION REPORT**

Prior to an approval for demolition being granted as part of a future Stage 2 development application, a photographic recording of the site is to be prepared and submitted to Council's satisfaction.

### **(39) 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 I Design Services to arrange for the recovery of the mark.

### **(40) PAVING MATERIALS**

As part of any future development application/s, 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".

### **(41) LANDSCAPING**

A detailed landscape plan will need to accompany all future Stage 2 development application/s for the site.

### **(42) SYDNEY WATER CONDITIONS**

- (a) As part of any future development application/s the existing Sydney Water stormwater channel covered by buildings and other structures is to be restored as an open channel. All buildings, structures and private services within the Sydney Water easement and above the channel shall be removed and the area restored to the satisfaction of Sydney Water. Detailed demolition and landscape documentation shall be submitted to the satisfaction of Sydney Water prior to the issue of a Construction Certificate.
- (b) The proposed bridge over Sydney Water's stormwater channel shall be designed to the following criteria:
  - (i) The underside of the bridge is set 500mm above the 1 in 100 year ARI flood level;
  - (ii) The bridge must be structurally independent from and protect the existing channel structure.
  - (iii) Demonstrate acceptable hydraulic performance impacts. Any afflux associated with the proposed bridge and approach works is to be minimal for the 100 year ARI design flood event. Minimal afflux shall be considered in the context of existing surrounding land uses and the potential impacts upon neighbours.
  - (iv) No part of the bridge is located within Sydney Water's easement for stormwater drainage.

Detailed engineering drawings and plans to this effect shall be submitted to the satisfaction of Sydney Water prior to the issue of a construction certificate.

- (c) Prior to the issue of an occupation certificate, the owner shall create a positive covenant on the title of the property in favour of Sydney Water for the proposed bridge crossing over the stormwater channel. The covenant shall provide for Sydney Water to:

- (i) Enter and carry out any necessary works to proactively protect the continued integrity of the bridge or to remove the bridge.
- (ii) Recover the costs associated with any activity or works by Sydney Water necessary to ensure the integrity of the bridge or to remove the bridge.

### SCHEDULE 3

#### TERMS OF APPROVAL

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

Licences under Part V of the *Water Act 1912* are required for the works (pumping from an excavation or from spearpoints around the perimeter of the construction site), for purposes of **temporary dewatering** as part of proposed construction **at 106-116 Epsom Road, Zetland**.

#### 1. General and Administrative Issues

- (a) Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- (b) Pumped water (tailwater) shall not be allowed to discharge off site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- (c) The licensee shall allow (subject to Occupational Health and Safety Provisions) the City of Sydney or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- (d) If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the Office of Water.
- (e) Suitable documents are to be supplied to the NSW Office of Water of the following:
  - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
  - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
  - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
  - Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated rainwater to be reinjected.

- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

## 2. Specific Conditions

- (a) The design of the structure must preclude the need for permanent dewatering.
- (b) The design of the structure that may be impacted by any watertable must require a waterproof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- (c) Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- (d) Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the City of Sydney on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- (e) Groundwater quality testing must be conducted (and report supplied to the City of Sydney). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the City of Sydney for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- (f) Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- (g) Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:

- The treatment to be applied to the pumped water (tailwater) to remove any contamination.
  - The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
  - The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
- (h) Written advice be provided from the Certifying Authority to the City of Sydney to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
  - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
  - Locations of settlement monitoring points, and schedules of measurement.

### 3. Formal Application Issues

- (a) An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the City of Sydney prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- (b) Upon receipt of a Development Consent from , a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepageinflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the Water Act, 1912.
- (c) A licence application under Part V of the Water Act 1912 must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).