



CENTRAL SYDNEY PLANNING COMMITTEE

Meeting No 424
Thursday 11 August 2016
Notice Date 5 August 2016

minutes

city of villages

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PRESENT

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

Members - Councillor Robert Kok, Councillor John Mant AM, The Hon. Robert Webster, Ms Gabrielle Trainor, Ms Darlene van der Breggen (Alternate Member to Mr Peter Poulet) and Mr Gary White.

At the commencement of business at 5.07pm, those present were -

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

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

Councillor Kok left the meeting of the Central Sydney Planning Committee at 6.30pm, prior to discussion on Item 8, and returned at 6.50pm at the conclusion of discussion on that item. Councillor Kok was not present at, or in sight of, the meeting of the Central Sydney Planning Committee during discussion and voting on that item.

Apologies

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

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

That the apology from Mr Poulet be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Order of Business

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

1. Disclosures of Interest
2. Confirmation of Minutes
3. Matters Arising From The Minutes
4. Section 96(2) Application: 286-296 Sussex Street Sydney
5. Development Application: 286-296 Sussex Street Sydney
11. Development Application: 18 Huntley Street Alexandria
7. Development Application: 280-288 George Street Sydney
8. Development Application: 136 Hay Street Haymarket
14. Public Exhibition - Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016
6. Section 96(2) Application: 1 Alfred Street, 19-31 Pitt Street and 31A Pitt Street Sydney
9. Section 96(2) Application: 106-116 Epsom Road Zetland
10. Development Application: 106-116 Epsom Road Zetland
12. Post Exhibition - Amendment to Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont
13. Public Exhibition - Gazcorp Site - Green Square - Planning Proposal and Draft Amendment to Sydney Development Control Plan 2012

ITEM 1 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Kok disclosed a pecuniary interest in relation to Item 8 on the agenda in that he had acted for the owner of the subject site in the matter of a car park levy with the Office of State Revenue NSW. Councillor Kok said that he would not be present at the meeting of the Central Sydney Planning Committee during discussion or voting on that item.

No other Member declared 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 21 July 2016, 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 21 July 2016.

ITEM 4 SECTION 96(2) APPLICATION: 286-296 SUSSEX STREET SYDNEY (D/2014/755/A)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Grace Campbell, Mr Adrian Culas, Mr Eric Wohl, Ms Naomi Daley and Mr William Smart.

Moved by Mr Webster, seconded by Ms Trainor -

It is resolved that consent be granted to Section 96(2) Application No. D/2014/755/A, subject to Condition (2) Approved Stage 1 Development, Condition (4) Location of Residential Uses, and Condition (7) Building Height being modified, (with modifications shown in ***bold italics*** (additions) and ***bold italics strike-through*** (deletions)) as follows:

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

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

(1) STAGED DEVELOPMENT APPLICATION

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

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development consent is limited to a Stage 1 Concept Plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2014/755, dated 28 May 2014 (as amended), and the following drawings:

Drawing Number	Architect	Date
<i>0002 Revision B Site Plan</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>1003 Revision A Floor Plate Schedule</i>	<i>Tzannes Associates</i>	<i>31 March 2015</i>

Drawing Number	Architect	Date
<i>2000 Revision-B North Elevation</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>2001 Revision-B East Elevation</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>2002 Revision-B South Elevation</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>2003 Revision-B West Elevation</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>3000 Revision-B Section 1</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>3001 Revision-B Section 2</i>	<i>Tzannes Associates</i>	<i>5 January 2015</i>
<i>S96:001, Rev. 3 Site Plan</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:100, Rev. 3 Floor Plate Schedule</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:101, Rev. 3 Roof Plan</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:300, Rev. 3 North Elevation</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:301, Rev. 3 East Elevation</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:302, Rev. 3 South Elevation</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:303, Rev. 3 West Elevation</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>
<i>S96:400, Rev. 3 Section A</i>	<i>Smart Design Studio</i>	<i>20.06.16</i>

and as amended by the conditions of this consent.

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

As amended by D/2014/755/A – 11 August 2016

(3) MATTERS NOT APPROVED

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

- (a) any demolition, excavation and/or construction;
- (b) the vehicular access/crossover location on Sussex Street;
- (c) the layout and number of residential apartments;
- (d) the layout of the hotel use or the total number of hotel rooms accommodated;
- (e) the number of basement levels and/or the configuration of the basement car parking levels;
- (f) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (g) the precise quantum of floor space; and
- (h) a 10% design excellence uplift in floor space ratio.

(4) LOCATION OF RESIDENTIAL LAND USES

No residential land uses are approved within the podium levels of the building. Residential apartments shall not be provided below Level 9 (RL ~~38.995~~ **38.450**).

As amended by D/2014/755/A – 11 August 2016

(5) BUILDING ENVELOPES

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

(6) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

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

(7) BUILDING HEIGHT

The maximum height of the building, as defined in the Sydney Local Environmental Plan 2012 (as may be amended), must not exceed ~~83.25~~ **80** metres.

As amended by D/2014/755/A – 11 August 2016

(8) FLOOR SPACE RATIO – CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible, and shall be calculated in accordance with the provisions of Clauses 4.4 and 6.4 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the proposal may be eligible for a 10% design excellence uplift in floor space ratio pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012.
- (c) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(9) RESIDENTIAL LAND USE

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

(10) DETAILED DESIGN OF BUILDING

The design brief for the competitive design process shall incorporate the following requirements:

- (a) Preference that vehicular access to the site be provided from Druiitt Lane, with a thorough investigation of vehicle access opportunities to be submitted as part of the Stage 2 Development Application;
- (b) Provision of on-site hotel drop off facilities;
- (c) Greater activation of the Druiitt Lane ground floor frontage through opportunities;
- (d) Provision of separate entry lobbies for the hotel and residential uses;

- (e) Consideration that the podium treatment to acknowledge the heritage items at 281-287 Sussex Street and 499-501 Kent Street;
- (f) Delivery of a 3.1 metre floor to floor height for all residential levels; and
- (g) A visually interesting treatment is to be applied to the exposed side elevation along the eastern boundary of the site.

(11) HOTEL USE

Documentation shall be submitted with the Stage 2 Development Application for the hotel use and its operation in accordance with the requirements of Section 4.4.8 of the Sydney DCP 2012.

(12) PUBLIC ART

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

(13) WIND

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

(14) AUSGRID

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

(15) CONTAMINATION – DETAILED SITE ASSESSMENT

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

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

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

(16) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulfate Soils Management Plan, prepared by Aurecon and dated 21 November 2014, must be implemented.

(17) AIR QUALITY ASSESSMENT

In accordance with the recommendations of the 'Desktop Air Quality Audit', prepared by Coffey Corporate Services Pty, dated 15 May 2014, and the requirements of Clause 7.24 of the Sydney Local Environmental Plan 2012 and Section 3.13.2 of the Sydney Development Control Plan 2012, an Air Quality Assessment Report must be prepared and submitted with the Stage 2 Development Application.

(18) CONSTRUCTION NOISE MANAGEMENT PLAN

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) the equipment to be used during the construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;
- (b) the type of work that will be conducted during the construction process;
- (c) details on (any) respite periods and any noise mitigation measures required; and
- (d) detail the extent of community consultation to be undertaken.

(19) RESIDENTIAL ACOUSTIC AMENITY- ACOUSTIC REPORT

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

(20) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the Stage 2 Development Application.
- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/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.

(21) BICYCLE PARKING AND END OF TRIP FACILITIES

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

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

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

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

(22) LOADING WITHIN SITE

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

(23) 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.

(24) VEHICLES ACCESS

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

(25) ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

(26) LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

(27) CAR SHARE SPACES

A minimum of 1 car share space per 50 car spaces for the exclusive use of car share scheme vehicles are to be provided. The basement floor plans submitted with the Stage 2 Development Application must illustrate where these spaces are to be located.

(28) COACH PARKING MANAGEMENT PLAN

A Coach Parking Management Plan for the hotel use is to be submitted with the Stage 2 Development Application.

(29) SERVICE VEHICLE SIZE LIMIT

The Stage 2 Development Application must include swept paths for the largest vehicles to access the building. These will be used to determine a condition for the largest vehicle permitted to service the site.

(30) TRANSPORT IMPACT ASSESSMENT

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

(31) WASTE COLLECTION

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

(32) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

(33) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) The proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved plans are indicative only and have not been approved as part of this consent.

- (b) Prior to any Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(34) PUBLIC DOMAIN PLAN

- (a) A Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with any Stage 2 Development Application for the site. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Stage 1 approved Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued for Stage 2 development.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council, in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(35) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 74 lineal metres of stone (granite and trachyte) site frontage and 36 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued for Stage 2 Development Application works, 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.

SCHEDULE 2

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

SCHEDULE 3

(36) TRANSPORT FOR NSW CONCURRENCE CONDITIONS

Transport for NSW has provided the following concurrence conditions under the provisions of Clause 88 of *State Environmental Planning Policy (Infrastructure) 2007*:

- (a) The owners of the site are required to consult with Transport for NSW (TfNSW) prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP) to ensure that the relevant designs have taken into consideration the relationship of the designs with the future CBD Rail Link (CBDRL).

- (b) The owners of the site of the approved development must enter into a Deed of Agreement with TfNSW prior to the lodgement of any Stage 2 application to address the adverse effects of the approved development on the 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 conditions (c) to (i) 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;
 - (v) access by representatives of TfNSW and Sydney Trains to the site of the approved development and all structures on that site;
 - (vi) provision to 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 condition (i) below;
 - (viii) such other matters which TfNSW and Sydney Trains considers are appropriate to give effect to (i) to (vii) above; and
 - (ix) such other matters as the owners and TfNSW and Sydney Trains may agree.
- (c) 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.
- (d) 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.
- (e) The developer must undertake detailed geotechnical analysis prior to lodgement of any Stage 2 DA to demonstrate likely movements of the ground due to the future CBDRL.
- (f) No modifications may be made to that the approved design without the consent of 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) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.
- (i) Prior to issue of any Occupation Certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions 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 Sydney Metro the prior written consent of TfNSW.

(37) ROADS AND MARITIME SERVICES CONDITIONS

The Roads and Maritime Services has provided the following conditions under the provisions of Clause 88 and 103 of *State Environmental Planning Policy (Infrastructure) 2007*:

- (a) Roads and Maritime has previously acquired a strip of land for road at the North East corner of Sussex and Bathurst Streets at the frontage of the subject property, being Lot 1 DP 571666. Roads and Maritime has previously acquired an easement for rock anchors along the northern boundary of Bathurst Street as shown on DP 1046874. The Cross City Tunnel (CCT) runs in stratum beneath Bathurst Street and Sussex Street abutting the subject property. Therefore there are no objections to the development proposal on property grounds provided:
 - (i) any proposed buildings or structures are erected clear of the CCT, Lot 1 DP 571666 and easement for rock anchors;
 - (ii) access to the Roads and Maritime easement is not denied; and
 - (iii) the integrity of the CCT and easement is not compromised.
- (b) The developer is to comply with the requirements of Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime for assessment prior to the approval of any Construction Certificate. The developer is to meet the full cost of the assessment by the Roads and Maritime. This report would need to address the following key issues:
 - (i) The impact of excavation/rock anchors on the stability of the CCT and detailing how the carriageway would be monitored for settlement.
 - (ii) The impact of the excavation on the structural stability of the CCT.

- (iii) The development must not interfere with the ongoing operation and maintenance of the CCT.
 - (iv) If the development is likely to impact on the CCT, the developer must consult with the operator of the CCT and Roads and Maritime Motorway Management on 8837 0937.
- (c) A Construction Management Plan should be prepared as part of the Stage 2 Development Application documentation which specifies any potential impacts to regular bus services operating on roads within the vicinity of the site. Any impacts from construction vehicles during construction of the proposed works need to be mitigated. Potential impacts on pedestrian access to public transport infrastructure (including bus stops), should be specified. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate these are to be clearly explained and committed to being enforced.

Carried unanimously.

ITEM 5 DEVELOPMENT APPLICATION: 286-296 SUSSEX STREET SYDNEY (D/2015/1700)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Ms Grace Campbell, Mr Adrian Culas, Mr Eric Wohl, Ms Naomi Daley and Mr William Smart.

Moved by Councillor Mant, seconded by Mr White -

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;
- (B) pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, that the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1700, subject to the following:

PART A - DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)****(1) SYDNEY TRAINS DEFERRED COMMENCEMENT CONDITION**

- (a) The owners of the site of the approved development must enter into a Deed of Agreement with TfNSW and Sydney Trains prior to issue of any Construction Certificate to address the adverse effects of the approved development on the 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 Conditions (b) to (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;
 - (v) Access by representatives of TfNSW and Sydney Trains to the site of the approved development and all structures on that site;
 - (vi) Provision to 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 Condition (j) below;
 - (viii) Such other matters which TfNSW and Sydney Trains considers are appropriate to give effect to (i) to (vii) in this condition; and
 - (ix) Such other matters as the owner 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) The development must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements to the ground due to the future CBDRL.
- (e) No modification may be made to the approved design without the consent of TfNSW.
- (f) A detailed regime is to be prepared for consultation with, and approval 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 the 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 the owner 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 comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed Sydney Metro the prior written consent of TfNSW.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) A footpath awning must be provided to the Sussex Street frontage of the site. The footpath awning must be designed to be integral to the design of the building, of lightweight construction and in accordance with the provisions contained at section 3.2.4 of the Sydney Development Control Plan 2012.
- (b) Windows from the meeting rooms facing Druitt Lane are to have operable controls to limit light spill during evening use.

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

- (D) evidence that will sufficiently enable Council to be satisfied as to those matters identified in Conditions (1) and (2) above must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (E) 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
- (F) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B - Conditions of Consent (Once the Consent is in Operation).

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1700 dated 25 November 2015 and the following drawings:

Drawing Number	Architect	Date
DA:010, 2	Smart Design Studio	27.04.16
DA:100, 4	Smart Design Studio	24.06.16
DA:101, 4	Smart Design Studio	24.06.16
DA:102, 4	Smart Design Studio	24.06.16
DA:103, 4	Smart Design Studio	24.06.16
DA:104, 4	Smart Design Studio	24.06.16
DA:105, 4	Smart Design Studio	24.06.16
DA:106, 3	Smart Design Studio	06.06.16
DA:107, 2	Smart Design Studio	27.04.16

Drawing Number	Architect	Date
DA:108, 2	Smart Design Studio	27.04.16
DA:109, 2	Smart Design Studio	27.04.16
DA:110, 2	Smart Design Studio	27.04.16
DA:111, 2	Smart Design Studio	27.04.16
DA:112, 2	Smart Design Studio	27.04.16
DA:113, 2	Smart Design Studio	27.04.16
DA:114, 2	Smart Design Studio	27.04.16
DA:115, 2	Smart Design Studio	27.04.16
DA:116, 2	Smart Design Studio	27.04.16
DA:117, 2	Smart Design Studio	27.04.16
DA:118, 2	Smart Design Studio	27.04.16
DA:119, 2	Smart Design Studio	27.04.16
DA:120, 2	Smart Design Studio	27.04.16
DA:121, 2	Smart Design Studio	27.04.16
DA:122, 2	Smart Design Studio	27.04.16
DA:123, 2	Smart Design Studio	27.04.16
DA:124, 2	Smart Design Studio	27.04.16
DA:125, 2	Smart Design Studio	27.04.16
DA:300, 2	Smart Design Studio	27.04.16
DA:301, 2	Smart Design Studio	27.04.16
DA:400, 2	Smart Design Studio	27.04.16
DA:450, 2	Smart Design Studio	06.06.16
DA:451, 1	Smart Design Studio	27.04.16
DA:452, 1	Smart Design Studio	27.04.16
DA: 453, 1	Smart Design Studio	06.06.16

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) a separate caged or enclosed area with a volume of at least 8 cubic metres must be provided at the podium ground or residential basement levels to accommodate residential bulky waste items;

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(3) HERITAGE INTERPRETATION PLAN

- (a) A heritage interpretation strategy for the site must be submitted to and approved by Council's Director City Planning, Development and Transport prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the historical development of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting.
- (c) Prior to the occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Director City Planning, Development and Transport.

(4) PUBLIC ART

- (a) Final details of the approved public art work must be submitted to and approved by Council's Director City Planning, Development and Transport prior to issue of a Construction Certificate.
- (b) The final details of the approved public art work must describe measures to ensure lighting of the artwork is not to the detriment of the amenity of adjacent apartments in the Newhaven Building at 278-284 Sussex Street.
- (c) The public artwork must be provided in accordance with:
 - (i) the Public Art Strategy prepared by Virginia Wilson Art, with cover letter dated 4 May 2016, at Appendix K of the Urbis submission dated 5 May 2016;
 - (ii) Section 3.1.5 of the Sydney DCP 2012; and
 - (iii) City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy and the Public Art Policy.

- (d) Installation of the art work must be completed to the satisfaction of Council's Director City Planning, Development and Transport prior to the issue of an Occupation Certificate.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 91.300 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(6) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLE BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by Smart Design Studio, and submitted to Council with Development Application: D/2015/1700 dated 25 November 2015.

(7) 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.

(8) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 12.1:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is 15,179sq.m.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that 2,572sq.m 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.

(9) HOTEL FIT OUT AND OPERATION - SEPARATE DA REQUIRED

A separate development application for the detailed fit out and operational aspects of the hotel must be submitted to and approved by Council prior to that fit out or use commencing, and must include the following:

- (a) Plan of Management;
- (b) Noise Management Plan;
- (c) details of maximum numbers of guests per room; and
- (d) details of maximum permitted length of stays.

(10) EXTERNAL LIGHTING

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

(11) USE OF COMMON AREAS AND FACILITIES

The terrace atop the podium, gymnasium and swimming pool 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) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the building (levels 9 to 25) 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.

(13) RESTRICTION ON USE OF CAR SPACES - HOTEL

The following conditions apply to car parking:

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

(14) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES - RESIDENTIAL

The following conditions apply to car parking:

- (a) The on-site car parking spaces and storage spaces allocated to the residential portion of the building are not to be used other than resident of the subject building for storage or 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) Any 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 and storage part lots in the strata plan.

(15) 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 the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be submitted to and approved by Council prior to the erection or display of any such signs.

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

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

(17) REFLECTIVITY

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

(18) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
- (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed.
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

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

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

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

- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Certifying Authority (CA), together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website (www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the CA accordingly.

- (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below.
- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

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

(20) 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 or treated as commercial parking.

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.

(21) 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.

(22) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	37
Accessible residential spaces	15
Serviced apartment/hotel parking	33
Accessible serviced apartment/hotel parking	2
Car share parking	2
Motorcycle parking	2
Hotel Service vehicle spaces	4
Residential service vehicle spaces	2
Medium Rigid Vehicle loading dock(s) – can also accommodate a Council Waste vehicle (see note ‘a’ below)	1
Hotel/serviced apartment drop off and pick up - limited in duration to no more than 30 minutes at any one time.	2

Notes:

- (a) Access for waste collection must be in accordance with the requirements of Section 3.11.13 of the Sydney DCP 2012, that vehicle access for collection and loading will provide for:
- (i) a 9.25m Council garbage truck and a small rigid delivery vehicle;
 - (ii) minimum vertical clearance of 4 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.

(23) 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”.

(24) 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	96	Spaces must be a class 2 bicycle facilities
Residential visitor	10	Spaces must be Class 3 bicycle rails
Non-residential (Staff)	28	Spaces must be Class 2 bicycle facilities
Non-residential visitor	10	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	4	
Personal lockers	28	

Notes:

- (i) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(25) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(26) 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.

(27) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

(28) 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-street 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.

(29) 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.

(30) 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.

(31) 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.

(32) SIGNS AT EGRESS

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

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

(33) 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.

(34) VEHICLE FOOTWAY CROSSING

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

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

Note: Construction materials must reinforce the priority of pedestrian movement over that of the crossing vehicle.

SCHEDULE 1B**Prior to Construction Certification/Commencement of Work/Health and Building****(35) ADAPTABLE HOUSING**

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Certifying Authority:

- (a) Confirming that residential apartments: 12.03, 13.03, 15.03, 16.03, 17.03, 18.03, 19.03, 20.03, 21.06, 22.06, 23.06, 25.06, 26.02, 26.03, 26.05, are able to be adapted for people with a disability in accordance with the Building Code of Australia.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

(36) 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 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.

(37) 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 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 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.

(38) 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.

(39) 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.

(40) ANNUAL FIRE SAFETY STATEMENT FORM

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

(41) 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).

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

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

(43) 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). Council will advise the applicant of any such requirement during the assessment of the hoarding and scaffolding application and will provide artwork to the applicant under these circumstances.

(44) PHYSICAL MODELS

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

Note:

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

(45) 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.

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan prepared by Renzo Tonin and Associates dated 27 June 2016, TH555-03F01(r5) Trim Ref – 2016/345680.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide additional regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin and Associates, dated 20 June 2016, ref TH555-01F02 (r5), titled 286 Sussex Street Sydney Acoustic Assessment for DA, Council Ref 2016/355761 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report. Specifically, the consultant will prepare a written Acoustic Certification Report with reference to drawings, to the satisfaction of the Principal Certifying Authority.

- (c) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of principal certifying authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

(48) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 278 – 284 Sussex Street, 493-497 Kent Street, 499-501 Kent Street and 70-72 Bathurst Street, are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifying Authority and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

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

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

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

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

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

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.
- (b) Include drawing(s) that clearly shows:

- (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
- (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(50) 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.

The Environmental Management Plan must comply with the Conclusions and Recommendations made in the Detailed Site Investigation for Contamination, Proposed Mixed Use Development 286 Sussex Street, Douglas Partners, Project 85146, Nov 2015, Trim Ref – 2016/023950-61.

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

(51) CLASSIFICATION OF WASTE

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

(52) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Asset Geotechnical, dated 19 April 2016 must be implemented, including the following:

- (a) A qualified and experienced Geotechnical Engineer must be engaged to provide further input and review during the design development; including site visits during construction to verify the site conditions and provide advice where conditions vary from those assumed in the Preliminary Acid Sulphate Management Plan. Development of an appropriate inspection and testing plan must be carried out in consultation with the Geotechnical Engineer.

(53) COMPLIANCE WITH THE CONSTRUCTION AIR QUALITY MANAGEMENT PLAN

All recommendations contained in the Air Quality Management Plan prepared by SLR Global Environmental Solutions, dated 4 May 2016, must be implemented.

(54) 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.

(55) 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.

(56) 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.

(57) 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.

(58) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, the Building Code of Australia, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, and AS1668 -The Use of Mechanical Ventilation and Air conditioning in Buildings to the written satisfaction of the Principal 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 and approved by the Principal Certifying Authority.

(59) MICROBIAL CONTROL IN WATER SYSTEMS

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

(60) 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.

(61) 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).

(62) 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.

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

- (a) A separate application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and

- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

(64) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) A bank guarantee to be provided in the sum of \$313,750 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$313,750 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 tenable stage;

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

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

(65) LOT CONSOLIDATION

All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued. If a Development Application is lodged in relation to the subdivision of the site, the requirement for lot consolidation is waived.

(66) LAND SUBDIVISION

Any proposal to subdivide the site, including any stratum subdivision of the building, 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.

(67) STRATA SUBDIVISION

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

(68) ELECTRICITY SUBSTATION

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

(69) TELECOMMUNICATIONS PROVISIONS

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

(70) 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.

(71) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(72) PAVING MATERIALS

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

(73) PRESERVATION OF SURVEY MARKS

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

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

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(74) 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.

(75) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 74 lineal metres of stone (granite and trachyte) site frontage and 36 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

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

(76) PUBLIC DOMAIN PLAN

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

(77) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.

(78) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

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

- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.
- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(79) FLOOR TO CEILING HEIGHT

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

(80) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a [insert time frame, typically 12] month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

(81) DRAINAGE AND SERVICE PIT LIDS

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

(82) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Druitt Lane, Sussex Street and Bathurst 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.

(83) PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, Sydney Streets Technical Specification and Public Domain Manual and must include the following:

- (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(84) 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.

(85) STREET TREE PROTECTION

All Street trees must be retained and 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 the issuing of the Construction Certificate. 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.

(86) STREET TREE PRUNING

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

(87) ROADS AND MARITIME SERVICES CONDITIONS

The Roads and Maritime Services has provided the following conditions under the provisions of Clause 88 and 103 of State Environmental Planning Policy (Infrastructure) 2007:

- (a) Roads and Maritime has previously acquired a strip of land for road at the North East corner of Sussex and Bathurst Streets at the frontage of the subject property, being Lot 1 DP 571666. Roads and Maritime has previously acquired an easement for rock anchors along the northern boundary of Bathurst Street as shown on DP 1046874. The Cross City Tunnel (CCT) runs in stratum beneath Bathurst Street and Sussex Street abutting the subject property. Therefore there are no objections to the development proposal on property grounds provided:

- (i) any proposed buildings or structures are erected clear of the CCT, Lot 1 DP 571666 and easement for rock anchors;
 - (ii) access to the Roads and Maritime easement is not denied; and
 - (iii) the integrity of the CCT and easement is not compromised.
- (b) The developer is to comply with the requirements of Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime for assessment prior to the approval of any Construction Certificate. The developer is to meet the full cost of the assessment by the Roads and Maritime. This report would need to address the following key issues:
- (i) The impact of excavation/rock anchors on the stability of the CCT and detailing how the carriageway would be monitored for settlement.
 - (ii) The impact of the excavation on the structural stability of the CCT.
 - (iii) The development must not interfere with the ongoing operation and maintenance of the CCT.
 - (iv) If the development is likely to impact on the CCT, the developer must consult with the operator of the CCT and Roads and Maritime Motorway Management on 8837 0937.

(88) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- (a) The proponent is to prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and Sydney Light Rail Operators. The CPTMP needs to specify, but not limited to, the following:
- (i) Location of the proposed work zone;
 - (ii) Proposed carnage location;
 - (iii) Haulage routes;
 - (iv) Construction vehicle access arrangements;
 - (v) Proposed construction hours;
 - (vi) Estimated number of construction vehicle movements;
 - (vii) Construction Program;
 - (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (ix) Cumulative construction impacts of projects including Sydney Light Rail Project. Should any impacts be identified, the duration of the impacts; and

- (x) Measures proposed to mitigate any associated general traffic, public transport, [pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (b) Submit a copy of the final plan to the Coordinator General CBD Coordination Office for endorsement, prior to commencement of any works.
- (c) A Construction Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

Note: 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.

(89) LOADING BAY MANAGEMENT PLAN

A Loading Bay Management Plan, must be submitted to TfNSW for review and must be approved by Council prior to the Construction Certificate being issues.

The plan must identify how the loading area (loading dock, service bays and hotel drop/off/pick-up bays) will be managed and used by all building tenants including hotel (ie. pick-up / drop-off, waste collection, servicing) and residential use (removalist vehicles, bulky good deliveries, tradesmen etc).

- (a) The plan must include, but is not limited to, the following:
 - (i) Estimated traffic generation during peak periods for residential and hotel components based on the traffic generation surveys undertaken to similar sites in the CBD;
 - (ii) Management for queuing along Sussex Street;
 - (iii) Management of incidents at the access to the car park;
 - (iv) Loading bay management details including service vehicle movements during peak periods;
 - (v) Management of conflicts between cars accessing the car park and the service vehicle using the loading bays; and
 - (vi) Details of bicycle parking facilities. These facilities need to be in place in secure, convenient, accessible area close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.

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

(90) COACH PARKING MANAGEMENT PLAN

A Coach Parking Management Plan, must be submitted to and approved by Council prior to the Construction Certificate for the site/use being granted. The plan shall include as a minimum, the anticipated numbers of coach arrivals per week, time of day the arrivals, length of stay, bus types and procedures to address the arrivals.

(91) GREEN TRAVEL PLAN

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

The applicant must review information on Council's website about preparing Travel Plans, and which would include steps to address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

- (a) A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:
 - (i) Coordinating implementation efforts,
 - (ii) Conducting surveys or other data collection processes to measure progress;
 - (iii) Communicating the travel plan to stakeholders;
 - (iv) Coordinating events to promote awareness of the plan and associated invites; and
 - (v) Coordinating marking and promotional programs.
- (b) The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

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

(92) 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 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.

(93) HOTEL DROP OFFS AND PICK UP

Hotel passenger pick up and set down spaces located in the basement car park must be limited in duration to no more than 30 minutes at any one time.

(94) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(95) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

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

(96) WASTE MANAGEMENT FACILITIES

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

- (a) the residential garbage room to be designed in accordance with Council's "Policy for Waste Minimisation in New Developments 2005" to allow for cleaning, draining and management of the room;
- (b) the physical separation of residential waste from that generated by the commercial tenancy which is to be collected by a private contractor; and
- (c) 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.

(97) 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) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

SCHEDULE 1C**During Construction/Prior to Occupation/Completion****(98) BASIX**

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

(99) 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.

(100) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(101) 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.

(102) 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.

(103) SURVEY CERTIFICATE AT COMPLETION

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

(104) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(105) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

(106) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(107) STREET NUMBERING – MAJOR DEVELOPMENT

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

(108) 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.

(109) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

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

(110) PROJECTIONS OVER PUBLIC ROAD

The proposed balconies and architectural embellishments attached to Podium Levels 1 to 10 of the building, shown as overhanging the splayed corner of Sussex Street and Druitt Lane, must not overhang the alignment of that splay by more than 0.45m, and shall comply with the provisions of Schedule 4 (“Projections over or into public roads”) of the Sydney Development Control Plan 2012.

(111) 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.

(112) 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 Works 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.

(113) 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.

(114) 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.

(115) 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.

(116) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

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

(117) NO OBSTRUCTION OF PUBLIC WAY

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

(118) USE OF MOBILE CRANES

The following requirements apply:

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

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

(119) AUSGRID CONDITION

- (a) 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 assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) Any work undertaken near Overhead Power lines needs to be done in accordance with:
 - (i) WorkCover Document ISSC 23 "Working Near Overhead Power Lines";
 - (ii) Ausgrids Network Standards; and
 - (iii) Ausgrids Electrical Safety Rules.
- (c) The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

SCHEDULE 2

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

Carried.

ITEM 11 DEVELOPMENT APPLICATION: 18 HUNTLEY STREET ALEXANDRIA (D/2015/1718)

The following persons addressed the Central Sydney Planning Committee on this matter: Ms Anne Mitchell, Mr Dean Wilson, Ms Miko Nakayama, Ms Kate Bartlett and Mr Nicholas Byrne

Moved by Councillor Kok, seconded by Councillor Mant -

It is resolved that:

- (A) the variation sought to Clause 4.3 (Height of buildings) in accordance with Clause 4.6 (Exceptions to development standards) of the Sydney Local Environmental Plan 2012 be supported;
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1718, 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 ~~is~~satisfied, within 24 months of the date of this determination:

(1) FLOOD MANAGEMENT INFORMATION

- (a) Figure 4-5 of the Flood Impact Assessment prepared by Cardno and dated 25 May 2016 (ref: 59916052) indicates that the ponding depth of flood water at location 'K' in 1% AEP floods is over a metre in height and is a high flood hazard.

Further information must be submitted to Council's Director City Planning, Development and Transport on whether the above location is planned to act as a detention area for flood water. If this location is proposed to be used as a detention area, further information must be submitted to and approved by Council's Director City Planning, Development and Transport to demonstrate that the detention system has been designed to withstand the forces of the flood water and that the system is safe for people at all times and during its operation.

- (b) Further information must be submitted to and approved by Council's Director City Planning, Development and Transport on the method of discharge of flood water from the flood water detention system.

Note: If dry weather kerb discharge from the flood water detention system is proposed, the approval of Roads and Maritime Services (RMS) in accordance with the RMS condition in Schedule 1D must be obtained prior to submission of the above information to Council.

- (c) Further information must be submitted to and approved by Council's Director City Planning, Development and Transport on the inlet grates and associated pipe system designed to convey the stormwater from the Huntley Street low point to the detention area, including:

- (i) the blockage factor used in the modelling of the detention area; and
 - (ii) during what design storm would the proposed detention area start to fill.
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

PART B - CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

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

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/570 dated 1 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA101 Rev A	DKO Breathe Architecture	20 November 2015
DA102 Rev A	DKO Breathe Architecture	20 November 2015
DA103 Rev B	DKO Breathe Architecture	25 May 2016
DA200 Rev B	DKO Breathe Architecture	25 May 2016
DA201 Rev B	DKO Breathe Architecture	25 May 2016
DA202 Rev B	DKO Breathe Architecture	25 May 2016
DA203 Rev B	DKO Breathe Architecture	25 May 2016
DA204 Rev B	DKO Breathe Architecture	25 May 2016
DA205 Rev B	DKO Breathe Architecture	25 May 2016
DA206 Rev B	DKO Breathe Architecture	25 May 2016
DA207 Rev B	DKO Breathe Architecture	25 May 2016
DA208 Rev B	DKO Breathe Architecture	25 May 2016
DA209 Rev B	DKO Breathe Architecture	25 May 2016
DA300 Rev B	DKO Breathe Architecture	25 May 2016
DA301 Rev B	DKO Breathe Architecture	25 May 2016
DA302 Rev B	DKO Breathe Architecture	25 May 2016
DA303 Rev B	DKO Breathe Architecture	25 May 2016

Drawing Number	Architect	Date
DA305 Rev A	DKO Breathe Architecture	20 November 2015
DA400 Rev B	DKO Breathe Architecture	25 May 2016
DA401 Rev B	DKO Breathe Architecture	25 May 2016
DA500 Rev A	DKO Breathe Architecture	20 November 2015
DA501 Rev A	DKO Breathe Architecture	20 November 2015
DA502 Rev A	DKO Breathe Architecture	20 November 2015
DA503 Rev A	DKO Breathe Architecture	20 November 2015
DA504 Rev A	DKO Breathe Architecture	20 November 2015
DA505 Rev A	DKO Breathe Architecture	20 November 2015
DA506 Rev A	DKO Breathe Architecture	20 November 2015
DA507 Rev A	DKO Breathe Architecture	20 November 2015
DA508 Rev A	DKO Breathe Architecture	20 November 2015
DA509 Rev A	DKO Breathe Architecture	20 November 2015

and as amended by the conditions of this consent.

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

(2) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by DKO and Breathe Architecture and submitted to Council.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) To assist in the activation of the ground level open space named in the application as 'Huntley Green', the ground levels of Units B.G10 and B.G11 must be combined and converted into a single commercial tenancy/food and drink premises of approximately 66m² with outdoor space. The upper levels of Units B.G10 and B.G11 must be combined and converted into a single three bedroom residential apartment, connected to the ground level residential Lobby B by an internal staircase.
- (b) The space for the proposed food and drink premises on the ground level in Block D adjacent to the western through-site link shall be used as a waste and goods storage space for the commercial tenancy set out in (a) above.
- (c) The design of the structure enclosing the standalone electricity substation in the southwestern corner of the site must be provided.
- (d) As presently designed, the primary living areas of Units A.206, A.308, A.408 and A.508 have a direct outlook to the balconies of Units B.201, B.301, B.401, B.501. The external window openings and internal layout of Units A.206, A.308, A.408 and A.508 must be redesigned and reconfigured to ensure that the outlook of the primary living areas of these residential apartments is to Sydney Park to the south.

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

(4) 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 architects (being DKO and Breathe Architecture) are to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architects are to have full access to the site and are 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 architects' commission are to be provided to the Council prior to release of the Construction Certificate.

- (b) The design architects of the project are not to be changed without prior notice and approval of the Council's Director City Planning, Development and Transport.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 33.07 (AHD) to the top of the building's lift overruns, RL 28.57 (AHD) to the roof level and RL 31.616 (AHD) to the top of the parapet at the eastern corner of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 2.196:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 12,275sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) 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, is to be created and registered on the Title of the development site (Lot 51 in DP 809350). The Easement is to be defined over two strips of land, variable in width, extending from the northern alignment of Sydney Park Road - one strip passing between the sections of the building noted as Block A and Block B proposed to be erected upon the site, the other strip passing between the sections of the building noted as Block C and Block D to be erected upon the site - both strips connecting Sydney Park Road to Huntley Street, as shown on ground floor architectural plans prepared by DKO and Breathe Architecture for the development at 18 Huntley Street, Alexandria, Project Number 10742, Drawing Number DA202, Revision B dated 20th November 2015. The Right of Public Access shall also include the landscaped open area enclosed between Blocks B, Blocks D, and Huntley Street, and referred to in the project documents as "Huntley Green". 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 (Lot 51 in DP 809350), 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.

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

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

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$292,811.61
Public Domain	\$180,355.06
New Open Space	\$1,405,285.11
New Roads	\$356,902.78
Accessibility	\$14,802.87
Management	\$16,005.32
Total	\$2,266,162.76

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2016.

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

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

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

(9) SYDNEY AIRPORT CORPORATION APPROVAL

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

(10) RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

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

(11) NUMBER OF ADULTS PER ROOM

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

(12) 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.

(13) 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.

(14) 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.

(15) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	85
Accessible residential spaces	23
Residential visitor spaces	15
Car share parking	1
Subtotal	124
Motorcycle parking	10 (equivalent to 2.5 car spaces)
Small Rigid Vehicle loading dock(s) – can also accommodate a Council Waste vehicle (see note 'b' below)	1

Notes:

- a. Number of motorcycle spaces are standard car spaces. Alternatively the proponent may provide motorcycle spaces (dimensions of 1.2m x 2.5m per Australian Standards). In this case 10 motorcycle spaces are required.
- b. The waste collection must meet the conditions of Section 3.11.13 of the Sydney Development Control Plan 2012, namely that vehicle access for collection and loading will provide for:
 - i. a 9.25m Council garbage truck and a small rigid delivery vehicle;
 - ii. minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.

(16) 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".

(17) VEHICLE ACCESS

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

(18) SIGNS AT EGRESS

A sign compelling drivers to stop before proceeding across the footpath must be provided and maintained within the site at the point of vehicle egress.

(19) 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	160	Spaces must be a class 1 or Class 2 bicycle facilities [1]
Residential visitor	16	Spaces must be Class 3 bicycle rails

Notes:

- (i) A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking space.
- (b) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.

- (c) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.
- (d) The layout, design and security of bicycle facilities must comply with the minimum requirements of Sydney Development Control Plan 2012. This includes:
 - (i) Section 3.11.3 (6a) - access to bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
 - (ii) Section 3.11.3(7) - bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.

The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(20) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

(21) 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.

(22) 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 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.

(23) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

(24) 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-street 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.

(25) 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.

(26) 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.

(27) 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.

(28) CAR PARKING ALLOCATION/ LEASE

Car parking spaces may only be leased or allocated to occupants/residents of the subject building and may not be leased to members of the general public.

(29) 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.

(30) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

(31) TANDEM PARKING

Any tandem parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The tandem parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of tandem vehicles must occur wholly within the property.

(32) TRAFFIC WORKS

- (a) The removal of the traffic island (and street trees thereon) on Huntley Street is not approved.
- (b) Any proposals for alterations to the public road, involving traffic and parking arrangements, including, for the avoidance of doubt, (a) above, 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.

(33) VEHICLE FOOTWAY CROSSING

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

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

Note: Construction materials must reinforce the priority of pedestrian movement over that of the crossing vehicle.

(34) CAR SHARE SPACES

- (a) A minimum of 1 car parking space for the exclusive use of car share scheme vehicles is to be provided.

- (b) The space 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 space must be made available to car share operators without a fee or charge.
- (d) The space must be sign posted for use only by car share vehicles and well lit.
- (e) The space must be accessible to members of the car share scheme residing in or visiting the development at all times.
- (f) The car share space is to be available at the same time that the car park commences operation.

(35) SMALL CAR PARKING SPACES AND DIMENSIONS

- (a) The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (b) All small car spaces must be clearly marked and identifiable as small car spaces. The signs or line markings must be in place and approved by the Principal Certifying Authority prior to an Occupation Certificate being issued and must be maintained in good order at all times.

(36) USE OF COMMON AREAS AND FACILITIES

The rooftop open spaces, garbage rooms, bicycle parking and car share bays must be available for the use by all residents and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

(37) AIR CONDITIONERS GENERALLY

No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring shall be fully concealed.

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

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

(39) ADAPTABLE HOUSING

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

- (a) confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the Building Code of Australia; and
- (b) demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority,

is to be submitted to the Certifying Authority.

(40) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial premises provided that:
 - (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.

- (ii) The LAeq,15 minute noise level and the LA90,15 minute noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iii) The relevant background noise level (LA90, 15 minute) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(41) PUBLIC ART

High quality art work must be provided within the development in publicly accessible locations in accordance with the Sydney DCP 2012 and the Public Art Policy. Details of the art work must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

(42) USE - SEPARATE DA REQUIRED

Subject to any approval granted under complying development certification pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a separate development application for the fitout and use of the commercial tenancy must be submitted to and approved by Council prior to that fitout or use commencing.

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: Prior to the issue of the relevant 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.

(43) 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.

(44) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

(45) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(46) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(47) 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".

(48) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(49) PRESERVATION OF SURVEY MARKS

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

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

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(50) PUBLIC DOMAIN PLAN

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

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

(51) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period

(52) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued 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 development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

(53) 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.

(54) 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.

(55) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 270.85 lineal metres 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.

(56) PUBLIC DOMAIN LIGHTING

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

- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(57) 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.

(58) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design and construction documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design and construction of all road works shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification and the Public Domain Manual. Detailed plans, construction details and specifications for the works shall be prepared and submitted to Council for approval prior to issue of a Construction Certificate, excluding for approved preparatory or demolition work, or before issue of an approval under Section 138 of the Roads Act 1993 for the road and drainage, infrastructure work. The detailed plans and supporting documentation shall include as a minimum the following information;
 - (i) General subdivision plan with contour details, clearly indicating the extent of work;
 - (ii) Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
 - (iii) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services;
 - (iv) Road design and drainage plans showing the following:
 - a. road pavement structure and design;
 - b. kerb, gutter and building alignment;
 - c. traffic management structures / measures;

- d. traffic, pedestrian and parking signage;
 - e. details of intersections with existing roads including line-marking, pavement marking, sign-posting, swept paths for the largest expected vehicle;
 - f. on-road bicycle route infrastructure and facilities;
 - g. drainage plans and schedule of drainage elements, showing the following:
 - i. The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
 - ii. The location of public utility services;
 - iii. Details and specifications for the construction of all components of the system in accordance with the City of Sydney's Sydney Streets Technical Specification;
 - iv. All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage, including requirements of broader stormwater catchment analysis to undertaken beyond the site boundary;
 - v. Drainage details and longitudinal sections with hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity;
 - vi. Adjustments/upgrades to utility services as required;
 - vii. Standard engineering and structural details plan;
 - viii. Erosion and sedimentation control plans;
 - ix. A design certification report for the road works prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, standards and specifications and those of all other relevant authorities as applicable. All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified practicing professional engineer.
- (c) The road and drainage works are to be completed in accordance with the approved plans and the City of Sydney's Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(59) 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 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.

(60) 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).

(61) 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).

(62) 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.

(63) 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.

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

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

- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

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

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

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

- (a) Where scaffolding is to be installed to undertake the proposed development an approved graphic / artwork installation must be provided on the scaffolding system to shield the development from the public place and to minimise adverse visual impacts on the locality.
- (b) The graphic installation must be printed, installed and maintained in accordance with Council's Guidelines for Hoardings and Scaffolding. Details of the proposed graphic must be submitted to and approved by Council prior to the installation of any scaffolding.

(66) BARRICADE PERMIT

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

(67) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roofs, drawn to scale, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plans 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.

(68) LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The following design modifications are required:
 - (i) The landscape design must incorporate tree planting to achieve 15% canopy cover of the site within 10 years post-completion;
 - (ii) Deep soil zones must be free from structures, footings, furniture and impermeable surfaces;
 - (iii) Relocate the bicycle parking spaces in front of unit B.G11 to enable privacy planting to the full perimeter of the unit's balcony;
 - (iv) Incorporate storage facilities for community gardening to roof terraces on levels 2, 3 & 5; and
 - (v) Ensure the design, refuse and maintenance strategies include for management of waste from all landscape functions, including the roof top chicken run and apiary. Any chicken run must comply with Clauses 19-20 of Schedule 2 of the Local Government (General) Regulations.
- (b) The detailed landscape plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, waterproofing and watering systems.
- (c) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

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

(69) 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) The design must provide a minimum 15% canopy cover of the site (to be achieved within 10 years from the completion of development), provided by trees that will reach a minimum height of 10 metres.
- (b) A variety of tree species (native and exotic) must be included in the design. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (d) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (e) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (f) 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.
- (g) Written confirmation is to be obtained from Council that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (h) 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.

(70) 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.

(71) 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.

(72) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

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

- (a) All works conducted on site which form part of this development must be carried out in accordance with the approved Demolition, Excavation and Construction Noise & Vibration Management Plan.

- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP).

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

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

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report (the Report) prepared by CUNDALL and dated 23/10/15 (ref 1012102 title Acoustic Report for DA Submission 1012102 18 Huntley Street, Alexandria, NSW, 2015; Council ref Exhibition Document 2015/632947 18 Huntley Street Alexandria - Acoustic Report 20/11/2015 at 1:46 PM) and addendum report (the Addendum Report) prepared by CUNDALL and dated 03/06/2016 (ref 1012102 DHA Alexandria - Addendum, title DHA Alexandria - Addendum for 18 Huntley Street Alexandria NSW 2015; Council Ref 2016/356280 Incoming Correspondence - 2016 306425-47 Appendix 3 - Addendum to Acoustic Report by Cundall 4/7/2016 at 11:23 AM) together must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the Report and Addendum Report (each as defined above).
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of Council's Area Planning Manager that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

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

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

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

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

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

(76) 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.

(77) 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.

(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) 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.

(80) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

- (a) 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

- (b) 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/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) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(82) 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.

(83) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, the Building Code of Australia, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, and AS1668 -The Use of Mechanical Ventilation and Air conditioning in Buildings to the written satisfaction of the Principal 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 and approved by the Principal Certifying Authority.

(84) 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.

(85) 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.

(86) LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by WSP Environmental Pty Limited (WSP) and dated 24 November 2015 (ref: 00047247_DHA_Alexandria RAP_Draft and the Letter of Interim Advice prepared by Sophie Wood 1202 dated 9 November 2015 and referenced IA1 0323971 18 HUNTLEY ST.DOCX). All remediation work carried out shall be conducted in accordance with the guidelines in force under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

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

(87) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

- (a) Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite this must be submitted to and approved by the Site Auditor and the City's Area Planning Manager prior to the issue of the SAS.
- (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
- (c) A copy of the revised land title highlighting the covenant must be submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate

(88) COMPLIANCE WITH APPROVED ENVIRONMENTAL MANAGEMENT PLAN

Any future intrusive ground works carried out that have the potential to conflict with any residual contamination remaining onsite must only be carried out in accordance with the Environmental Management Plan as referenced by the Site Auditor on the final Site Audit Statement and approved by the Council.

(89) 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.

(90) CLASSIFICATION OF WASTE

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

(91) REGISTRATION OF COVENANT

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.

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

(92) 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.

(93) 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.

(94) 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.

(95) ACOUSTIC PRIVACY BETWEEN UNITS

- (a) The development must be designed and constructed to satisfy the requirements of the Sydney DCP 2012 acoustic privacy requirements. A report prepared by a suitable qualified acoustic professional must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate, and must be suitably referenced in the Construction Certificate documentation.
- (b) The report must:-
 - (i) quantify the level of impact (noise at the exposed facades) from the normal noise of the area on the development; and
 - (ii) identify acoustic mitigation measures to be incorporated into the building design to ensure compliance with the design goals contained within the Sydney DCP 2012.
- (c) The Certifying Authority (PCA) must ensure that the acoustic mitigation measures identified in the subject report are suitable incorporated into the development as erected prior to the issue of an Occupation Certificate.

(96) FLOOR TO CEILING HEIGHT

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

(97) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

- (a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Certifying Authority demonstrating compliance with the requirements of the Sydney DCP 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.
- (b) In the preparation of the report:
 - (i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.
- (c) Prior to an Occupation Certificate being issued, a Compliance Certificate from a qualified, practicing acoustic engineer must be submitted to the satisfaction of the Principal Certifying Authority, certifying compliance with the condition.

(98) 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.

(99) TELECOMMUNICATIONS PROVISIONS

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

(100) SYDNEY WATER CERTIFICATE (QUICK CHECK)

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

(101) PHYSICAL MODELS

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

Note:

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

(102) 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.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(103) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

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

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

(104) BASIX

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

(105) 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.

(106) 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.

(107) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(108) 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.

(109) EASEMENTS FOR STORMWATER AND WATER SUPPLY PURPOSES

Prior to the issue of a Construction Certificate, a plan shall be prepared by a surveyor registered under the Surveying and Spatial Information Act, 2002, defining the position of new easements for stormwater purposes benefiting Sydney Water, to be created under Section 88B of the Conveyancing Act, 1919, and also releasing all redundant easements under Part 1A of the 88B Instrument. The terms of these new easements shall be to the satisfaction of Sydney Water. Evidence of lodgement of this plan and Section 88B Instrument at the office of Land & Property Information – NSW shall be supplied to the Principal Certifying Authority prior to issue of the Construction Certificate.

(110) SURVEY

- (a) **AT FOUNDATION STAGE** - All footings and walls within one metre of a boundary or proposed / existing easement must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and a copy of the setout provided to the Principal Certifying Authority. 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. Any encroachments of the subject building over the road alignment must be removed prior to continuation of building construction work, or alternatively written consent from Council confirming that they are aware of the nature & extent of the encroachment, and agree to permit the encroachment to remain.
- (b) **DURING CONSTRUCTION** - A survey of the formwork for the concrete slab at each floor level, (where located within one metre of any boundary or easement), showing its position in relation to the site boundaries or easement, must be carried out prior to concrete pour, and supplied to the Principal Certifying Authority.
- (c) **Prior to the issue of an Occupation Certificate** - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment. Any encroachments of the building or permanent structures over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided for.

(111) 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.

(112) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(113) 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.

(114) 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.

(115) 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.

(116) 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.

(117) 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.

(118) 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.

(119) 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.

(120) 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.

(121) 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.

(122) 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.

(123) USE OF INTRUSIVE APPLIANCES

A report detailing the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992", is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

As a minimum, the report must specify:

- (a) specific the proposed hours and days of operation;
- (b) the tasks that the equipment will be used for;
- (c) justify in writing why the intrusive appliance cannot be substituted for a lower impact apparatus;
- (d) provide for how noise will be managed to comply with the above code, and if cannot, provide for how it will be managed to the lowest reasonable and feasible levels;
- (e) indicate a timeframe for completion the associated task;
- (f) provide details of respite periods which will occur to reduce exposure to intrusive noise at sensitive receiving locations; and

- (g) such periods and operating conditions must be submitted to and approved by Council's Health and Building Unit and approved to the satisfaction of the Area Planning Manager on a temporary basis referencing permitted activities and limiting periods which the activity may occur. These parameters will form part of this consent, and the temporary approval may be revoked should substantiated complaints occur including breach of the terms given.

SCHEDULE 1D

(124) RMS CONDITIONS

The conditions as advised by Roads and Maritime Services (RMS) are as follows:

- (a) Should the post development storm water discharge from the subject site into the Roads and Maritime's drainage system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114.

- (b) All demolition and construction vehicles are to be contained wholly within the site and on Huntley Street as a construction zone will not be permitted on Sydney Park Road.
- (c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Sydney Park Road during construction activities.
- (d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(125) TRANSGRID CONDITIONS

The conditions as advised by TransGrid are as follows:

- (a) All works must be performed in accordance with the following Guideline documents:
 - (i) NSW WorkCover 'Work Near Underground' Assets Guide;
 - (ii) Requirements For Working In The Vicinity of TransGrid Underground Cables; and
 - (iii) TransGrid Easement Guidelines for Third Party Development (V10).

The TransGrid Guidelines are not an exhaustive list, therefore if there is any uncertainty, please contact TransGrid.

- (b) The developer must undertake their own assessment using geotechnical information to ensure any proposed construction works, for example vibration during pile installation, will not affect TransGrid's subterranean tunnel.
- (c) TransGrid requests the developer provide notice prior to the commencement of works, and reminds the developer that it must also contact 'Dial Before You Dig'.
- (d) TransGrid requests formal notification for any future proposed development on the subject land. Any further development (including but not limited to excavation, road development, and amendment to underground services) must be assessed by TransGrid to determine if it complies with our easement restrictions and safety clearances. TransGrid's prior written consent is required for any additional or amended works.
- (e) During construction, the developer needs to implement suitable processes and safeguards to prevent machinery (for example, rock anchors and drills) inadvertently extending into TransGrid's easement; the stratum tunnel; and/or the two State significant high voltage transmission cables on the subject site as well as under Huntley Street and Sydney Park Road.
- (f) TransGrid requests notification of any amendment or modification to this development application. Such amendments will require a period of reassessment by TransGrid.

(126) SYDNEY WATER CONDITIONS

The conditions as advised by Sydney Water are as follows:

Stormwater

- (a) As per "Item 2.5" of the Stormwater Management Report, the proponent is required to deviate the stormwater channel at their cost to meet the Sydney Water's Building over and adjacent to stormwater assets guidelines.
- (b) The deviation of the stormwater pipe/channel is to be carried out according to Sydney Water's requirements as per the previous negotiations with Sydney Water's Land and Waterways team.
- (c) As agreed in the previous negotiations, no buildings or permanent structures are to be proposed within 1m from the outside face of the new stormwater pipe/channel.
- (d) Due to the complex nature of the stormwater deviation work, the proponent is required to continuously liaise with Sydney Water until the completion of the deviation work.

Water

- (e) The drinking water main available for connection is the 150mm main on the northern side of Huntley Street.
- (f) Detailed drinking water requirements will be provided at the Section 73 application phase.

Wastewater

- (g) The wastewater main available for connection is the 225mm main constructed within the property boundary.
- (h) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate the development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- (i) Detailed wastewater requirements will be provided at the Section 73 application phase.

SCHEDULE 2**Prescribed Conditions**

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

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 98E	Conditions relating to shoring and adequacy of adjoining property

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

SCHEDULE 3

Terms of Agreement

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by NSW Department of Primary Industries – Water (DPI Water) are as follows:

DPI Water Indicative General Terms of Approval

(i) General

- (1) An authorisation shall be obtained from DPI Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
- (2) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- (3) 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 1.0m below the natural ground surface existent at the location immediate 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) 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 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.

(ii) 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. [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 structure 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 ground water 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 referred to as "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
 - (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.
- (iii) *During excavation*
- (14) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
 - (15) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

- (16) Measurement and monitoring arrangements to the satisfaction of 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 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 authorities approval and/or owners 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 DPI Water under appropriate safety procedures.
- (iv) Following excavation
- (21) Following completion of the dewatering operations, the Applicant shall submit to 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 DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

Carried.

ITEM 7 DEVELOPMENT APPLICATION: 280-288 GEORGE STREET SYDNEY (D/2015/1845)

Moved by Mr Webster, seconded by Mr White -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Application No. D/2015/1845 after the draft Planning Agreement, in accordance with the public benefit offer made by Toga Hotel Property Investments No. 2 Pty. Ltd. dated 10 May 2016, is publicly exhibited and any submissions considered;
- (B) if the CEO determines to approve the application, then consideration be given to supporting the variation sought to Clause 4.4 (Floor Space Ratio) and Clause 6.4 (Accommodation Floor Space) of Sydney Local Environmental Plan 2012 pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A and Part B below.

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

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

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Planning Agreement in accordance with the public benefit offer made by Toga Hotel Property Investments No. 2 Pty. Ltd., dated 10 May 2016 be executed and submitted to Council; and
- (b) The Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Planning Agreement.

(2) EXTERNAL WALLS TO SWIMMING POOL TERRACE

The external enclosing walls to the swimming pool terrace on Level 21 of the building are to be redesigned so that they are less than 1.4 metres high above the floor, in order to enable exclusion of the pool terrace from gross floor area in accordance with the provisions of the Sydney Local Environmental Plan 2012. Amended plans demonstrating compliance with this condition are to be submitted to the satisfaction of the Director City Planning, Development and Transport.

(3) FLOOD PLANNING LEVELS AND FLOOD MANAGEMENT

- (a) Proposed basement levels, basement car park entry levels and ground floor and lower ground floor levels which provide access to the basement shown on the approved Development Application plans have not been approved by this consent.

- (b) The flood protection for all basement and basement entries shall comply with Council's Interim Floodplain Management Policy, i.e. they shall be protected up to the 1 in 100 year ARI + 500mm freeboard or the PMF, whichever is higher.
 - (c) Should the protection required in clause (b) above be prohibitive for below ground levels / basement then the following must be submitted and approved by Council's Area Planning Manager:
 - (i) A report which provides clear justification on why the levels required at each location or a change in design configuration cannot be achieved.
 - (ii) Evacuation Management Manual, prepared by a suitably qualified professional with experience in floodplain management, which addresses the following issues, but not limited to:
 - a. Time to fill basement from onset of property inundation;
 - b. Possible flood free access;
 - c. Methods of preventing floodwater entering the building; and
 - d. Use of disabled access.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and
- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Part B - Conditions of Consent (Once the Consent Is In Operation) of the subject report to the Central Sydney Planning Committee on 11 August 2016, subject to the amendment of Condition (6) as detailed in the memo from the Director City Planning, Development and Transport dated 11 August 2016, circulated to members prior to the meeting of the Central Sydney Planning Committee, such that it read as follows, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions -

(6) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed 15.24:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 9,036 sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Stage 2 Construction Certificate being issued, Council's written verification must be obtained, confirmed that 1,549sqm 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.

Carried unanimously.

ITEM 8 DEVELOPMENT APPLICATION: 136 HAY STREET HAYMARKET (D/2015/1490)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter - Mr Aaron de Zilva and Ms Jane Freeman.

Moved by Councillor Mant, seconded by Mr Webster -

It is resolved that consent be granted to Development Application No. D/2015/1490, subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) STAGE DEVELOPMENT APPLICATION**

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

(2) APPROVED DEVELOPMENT

- (a) Development consent is limited to a Stage 1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/1490 dated 15 October 2015 (as amended) and the following drawings:

Drawing Number	Architect	Date
A00-02 3	BVN	02.10.15
C-EA-01 3	BVN	26.04.16
C-NO-01 3	BVN	26.04.16
C-S-01 4	BVN	26.04.16
C-WE-01 4	BVN	26.04.16

and as amended by the conditions of this consent.

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

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

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

- (a) Any works including excavation and/or construction;
- (b) The precise total quantum of floor space;
- (c) The quantum, ratio and distribution of hotel accommodation, retail or commercial floor space;
- (d) The floor layout of the hotel accommodation including the total number of hotel rooms;
- (e) The floor levels of each storey;
- (f) The number, configuration and layout of the basement level/s;
- (g) The vehicular access / crossover location on Campbell Street;
- (h) The number and configuration of car space, bicycle spaces and loading spaces / zones;
- (i) The siting and location of a substation; and
- (j) Any part of the building that protrudes beyond the Belmore Park sun access plane.

(4) STAGE 2 DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to other conditions of this consent, the building envelope is only approved on the basis that the Stage 2 building design, including services are contained wholly within the approved building footprint and envelope, and comply with the relevant planning controls.

(5) HERITAGE CONSERVATION WORKS

A Heritage Impact Statement and an Archaeological Assessment report are to be prepared and submitted as part of the Stage 2 Development Application.

(6) SUN ACCESS MODELLING

Detailed design drawings are to be submitted with the Stage 2 Development Application providing precise sun access modelling, confirming that the development will not impact on the Belmore Park sun access plane.

(7) BUILDING HEIGHT

The maximum height of the buildings as defined in the Sydney Local Environmental Plan 2012 may not exceed 55m with the exception of an architectural roof feature.

(8) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permitted floor space as calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.
- (c) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.10 of the Sydney Local Environmental Plan 2012.

(9) HOTEL USE

Documentation shall be submitted with the Stage 2 Development Application for the hotel use and its operation in accordance with the requirements of Section 4.4.8 of the Sydney Development Control Plan 2012.

(10) RESIDENTIAL / SERVICED APARTMENT USE AND STRATA SUBDIVISION NOT PERMITTED

- (a) Residential and serviced apartment use is not permitted.
- (b) Strata subdivision of hotel rooms is not permitted.

(11) FLOOD LEVELS

- (a) The applicant is required to seek appropriate flood planning levels to be submitted with the Stage 2 Development Application.
- (b) In addition, the floor level entries including any opening to basement and lift wells, lobby must comply with the City's Interim Floodplain Management Policy for setting floor levels.

(12) TREES

All street trees surrounding the site must be accurately surveyed and the plan submitted with the Stage 2 Development Application.

(13) LANDSCAPING

A detailed landscape plan is to be submitted with the Stage 2 Development Application.

(14) FLOOR TO CEILING LEVELS

The detailed design of the Stage 2 Development Application shall meet the floor to ceiling height controls in accordance with the Sydney Development Control Plan 2012 (Clause 4.2.1.2 – Floor to ceiling heights and floor to floor heights).

(15) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.
- (b) The nominated location of public art is to be included in any future Stage 2 Development Application.

(16) WIND

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, and communal external areas within the subject development. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2. The use of awnings along frontages is to be incorporated into any future design to ameliorate against any wind impacts.

(17) CONSTRUCTION NOISE MANAGEMENT PLAN

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) The equipment to be used during construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;
- (b) The type of work that will be conducted during the construction process;
- (c) Details on (any) respite periods and any noise mitigation measures required; and
- (d) Detail the extent of community consultation to be undertaken.

(18) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A construction traffic management plan must be prepared and submitted with the Stage 2 Development Application.

(19) TRANSPORT IMPACT ASSESSMENT

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

(20) WASTE COLLECTION

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

(21) AUSGRID

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

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

A site specific noise management plan shall be submitted with the Stage 2 Development Application..

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

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

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ($L_{A90, 15 \text{ minute}}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

(23) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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

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

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

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

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

- (f) Needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(25) 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.

(26) PARKING DESIGN

- (a) No parking spaces are approved under this consent. The permissible number of car parking spaces is to be determined at Stage 2.
- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/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.

(27) 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.

(28) SERVICE VEHICLE SIZE LIMIT

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

(29) SERVICE VEHICLES

- (a) Courier spaces and loading docks must be located close to the service entrance and away from other parking areas.
- (b) Adequate space must be provided to allow maneuvering and turning of different sized vehicles within the designated loading area. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities.

(30) VEHICLES ACCESS

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

(31) VEHICLE LIFT

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

(32) BICYCLE PARKING

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

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

(33) COACH PARKING MANAGEMENT PLAN (HOTEL)

A coach parking management plan for the hotel use is to be submitted with the Stage 2 Development Application.

(34) 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".

(35) NSW TRANSPORT ROADS & MARITIME SERVICES

The following information and requirements of NSW Transport Roads & Maritime Services must be fully addressed and detailed in the Stage 2 Development Application:

- (a) Due to the current Sydney Light Rail Works, proposed Sydney Metro works and various other construction projects development in the CBD, a Construction Traffic Management Plan (CTMP) will need to be provided in consultation with the CBD Coordination Office. This should be submitted prior to issue of a construction certificate and should include but not limited to, the following:
 - (i) Haulage Routes;
 - (ii) Construction vehicle access arrangements;
 - (iii) Proposed construction hours;
 - (iv) Impacts to general traffic, cyclists, pedestrians and buses during the construction work and mitigation measures proposed.

(36) SYDNEY TRAINS

The following information and requirements of Sydney Trains must be fully addressed and detailed in the Stage 2 Development Application:

- (a) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with the Rai/Corp as to whether these services are to be relocated or incorporated within the development site.
- (b) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- (c) Prior to the commencement of works, during the works, prior to the issue of the Occupation Certificate, and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed. The timing of the surveys is to be agreed with Sydney Trains. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (d) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (e) An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- (f) A geotechnical report is needed to evaluate the impact of the development on the rail tunnel below the subject site. The Applicant shall submit a Geotechnical Report for review by Sydney Trains to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel.
- (g) The Applicant shall provide details of any intended encroachment into Rai/Corp's easement or RailCorp owned lands, for review and approval by Sydney Trains.

(37) ELECTRICITY SUBSTATION

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid with any future Stage 2 Development Application.

(38) 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 the relevant Stage 2 Development Application. 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 for Stage 2 development.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(39) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

Any Stage 2 Development Application is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(40) LAND CONTAMINATION

The Stage 2 application must include documentation that demonstrates the requirements of State Environmental Planning Policy No 55 are addressed.

To address the requirements of SEPP No 55, the hierarchy of assessment may include but is not limited to the following:

- (a) Preliminary Environmental Site Assessment (PESA) (Also known as Stage 1);
- (b) Detailed Environmental Site Assessment (DESA) (Also known as Stage 2);
- (c) Remediation Action Plan (RAP);
- (d) Review by NSW EPA Site Auditor;
- (e) Site Validation Report; and
- (f) Site Audit Statement (SAS).

(41) ACID SULFATE SOILS – PRELIMINARY SITE ASSESSMENT

- (a) A preliminary acid sulfate soil assessment is required on this site as it is located within 500m of land with a class 1, 2, 3 or 4 acid sulfate soil classification. The development has the potential of removing greater than 1 tonne of soil from the site or lowering the water table to below 1 metre. This must be carried out by a suitably qualified person in accordance with the Acid Sulfate Soils Assessment Guidelines (Acid Sulfate Soils Management Advisory Committee August 1998). The preliminary assessment must be submitted to the City's Area Planning Manager for approval.
- (b) Where the preliminary site assessment confirms that the site is subject to acid sulfate soils which may affect the integrity development then an Acid Sulfate Soils Management Plan must also be prepared and submitted to the City for approval and approved in writing.

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. 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 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. [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 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 DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to 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 DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

Carried unanimously.

ITEM 14 PUBLIC EXHIBITION - PLANNING PROPOSAL - HOUSEKEEPING AND MINOR POLICY AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - AUGUST 2016 (X006012)

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

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;

- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, following receipt of the Gateway Determination and prior to public exhibition.

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

That the motion be amended, such that it read as follows -

It is resolved that -

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, shown at Attachment A to the subject report, subject to the deletion of all relevant sections of the Planning Proposal relating to "serviced apartments", for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, as amended in clause (A), for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016, following receipt of the Gateway Determination and prior to public exhibition; and
- (E) further consideration of matters relating to "serviced apartments" be deferred to the next meeting of the Central Sydney Planning Committee.

Carried unanimously.

ITEM 6 SECTION 96(2) APPLICATION: 1 ALFRED STREET, 19 - 31 PITT STREET AND 31A PITT STREET SYDNEY (D/2015/1049/A)

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

It is resolved that consent be granted to Section 96(2) Application No. D/2015/1049/A, subject to Condition (2) (Approved Development), Condition (6) (Building Height) and Condition (37) (Sydney Airport Conditions) of Schedule 1A, Part B - Conditions of Consent (Once Consent Is Operational) of Development Consent D/2015/1049 being modified, (with modifications shown in ***bold italics*** (additions) and ~~***bold italics strikethrough***~~ (deletions)), as follows:

PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement (VPA) in accordance with the public benefit offer made by Wanda One Sydney Pty Ltd, dated 3 December 2015 is to be publicly exhibited, executed and submitted to Council;
- (b) The payment of the monetary contribution must be provided to Council in accordance with the VPA;
- (c) The guarantee must be provided to Council in accordance with the VPA at the time of execution; and
- (d) The VPA, as executed, must be registered on the title of the land in accordance with the VPA.

(2) CONSOLIDATION OF THE SITE AND EXTINGUISHMENT OF EASEMENTS

- (a) All land titles within the site must be consolidated into one lot. A surveyed plan of consolidation must be registered with the Office of Land and Property Information Division of the Department of Lands.
- (b) All easements within the areas designated as C, G and J in deposited plan 537286 must be extinguished (wholly or in part) in so far as each easement relates to the areas designated as C, G or J in deposited plan 537286.

(3) SURRENDER OF PREVIOUSLY APPROVED STAGE 1 CONSENT

The following consent is to be surrendered in accordance with section 80A(5) of the Environmental Planning and Assessment Act 1979 and section 97 of the Environmental Planning and Assessment Regulation 2000:

- (a) D/2010/1533 for a Stage 1 approval at 19-31 Pitt Street, Sydney.

- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (D) the consent will not operate until such time that the Council notifies the applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (E) upon Council giving written notification to the applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

SCHEDULE 1A

PART B – CONDITIONS OF CONSENT (ONCE CONSENT IS OPERATIONAL)

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 arise as a result of compliance with conditions/information required in Part A.

SCHEDULE 1A

(1) STAGED DEVELOPMENT APPLICATION

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

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with State Significant Development application No. D/2015/1049, as amended, dated 17 July 2015, and the following drawings:

Drawing Number	Architect	Date
DA01/E S96 01/A Massing Envelope Context Plan	Crone Partners	24.11.15 08.04.16
DA02/E S96 02/A Massing Envelope Basement 3-6	Crone Partners	24.11.15 08.04.16
DA03/E S96 03/A Massing Envelope Basement 1-2	Crone Partners	24.11.15 08.04.16
DA04/F S96 04/A Massing Envelope Ground	Crone Partners	24.11.15 08.04.16
DA04A/D S96 04A/A Massing Envelope Lower Ground	Crone Partners	24.11.15 08.04.16
DA05/F S96 05/A Massing Envelope Level 1	Crone Partners	24.11.15 08.04.16

Drawing Number	Architect	Date
DA06/F S9 606/A Massing Envelope Level 2	Crone Partners	24.11.15 08.04.16
DA07/F S96 07/A Massing Envelope Level 3	Crone Partners	24.11.15 08.04.16
DA08/F S96 08/A Massing Envelope Level 3FM-4	Crone Partners	24.11.15 08.04.16
DA09/G S96 09/A Massing Envelope Level 5-28	Crone Partners	27.11.15 08.04.16
DA10/F S96 10/A Massing Envelope Level 27/38	Crone Partners	27.11.15 08.04.16
DA11/G S96 11/A Massing Envelope Level 39-57	Crone Partners	27.11.15 08.04.16
DA12/E S96 12/A Massing Envelope East Elevation	Crone Partners	27.11.15 08.04.16
DA13/E S96 13/A Massing Envelope North Elevation	Crone Partners	27.11.15 08.04.16
DA14/D S96 14/A Massing Envelope West Elevation	Crone Partners	27.11.15 08.04.16
DA15/E S96 15/A Massing Envelope South Elevation	Crone Partners	27.11.15 08.04.16

and as amended by the conditions of this consent.

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

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

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

- (a) any works, including demolition, excavation, construction and public domain improvements;
- (b) subdivision;
- (c) layout, mix and number of residential units and hotel rooms;
- (d) the precise quantum of commercial, residential and hotel floor space;
- (e) the number of on-site car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) any additional up to 10% design excellence floor space which may be allowable under Clause 6.21 of the Sydney Local Environmental Plan 2012;
- (g) the proposed vehicular access to the basement parking levels to/from Pitt Street;

- (h) any works located outside of the site boundary including:
 - (i) the proposed set-down and pick-up zone located along the western side of Pitt Street;
 - (ii) the turning circle located at the head of Pitt Street;
 - (iii) ground floor RL levels.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

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

(5) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

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

(6) BUILDING HEIGHT

- (a) The maximum height of future buildings, including all plant and services must not exceed the following:
 - (i) Tower A – ~~RL194~~ **RL200** (AHD);
 - (ii) Tower B – RL112.5 (AHD).

(7) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to floor space ratio:

- (a) The floor space ratio for the proposal must not exceed the maximum 13.05:1 calculated in accordance with Clauses 4.4, 4.5 and 6.4 of Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the maximum floor space ratio may be increased in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 (as amended) only if the consent authority is satisfied that the resulting Stage 2 development(s) exhibit design excellence and are the result of a competitive design process which satisfies the requirements of any relevant local environmental plan and/or development control plan.
- (c) Precise details of the distribution of floor space shall be provided with the relevant future Stage 2 development applications.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(8) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS

- (a) Any Stage 2 development application must be designed to comply with the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012). In particular:
- (i) Section 4.2.1.2 of Sydney DCP 2012 Floor to ceiling heights and floor to floor heights.
- (b) The residential component of any Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), and the Apartment Design Guide (ADG).
- (c) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the relevant Stage 2 development application.

(9) COMMUNAL FACILITIES AND COMMON OPEN SPACE

The Stage 2 development application for Tower B is to include provision for communal facilities/common open space that is accessible to the residents of Tower A.

(10) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be carried out for Tower B and:

- (a) Conducted prior to lodgement of a Stage 2 development application;
- (b) Conducted in accordance with the approved Design Excellence Strategy prepared by Urbis, dated November 2015; and
- (c) The detailed design of the development must exhibit design excellence.

The design brief for the competitive design process shall incorporate the following requirements:

- (d) The design for Tower B needs to respond in a way that achieves the same or improved built form and public domain outcomes as the 2009 design competition and 2013 approval (D/2010/2029).
- (e) The integration of public domain elements to ensure a cohesive public domain approach. The public domain between the two buildings needs to be maintained and enhanced with regard to the geometry, alignment and visibility that was achieved in the previous 2009 design and 2013 approval.
- (f) A focus on the integration of art and architecture. Competition participants should provide a description of what successful artistic/architectural/curatorial collaboration would look like and a methodology for achieving this integration.

- (g) The design of vehicle access to the basement and any set-down and pick-up zone required to service the hotel. It is recommended that competition participants consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney during the design phase to ensure that transport interface issues along Pitt Street adequately consider relevant transport projects in the vicinity of the site.
- (h) The requirements, as outlined in Condition **(36) SYDNEY TRAIN CONDITIONS**.

(11) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with the future relevant Stage 2 development application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of the future relevant Stage 2 development application.
- (c) All public art required under this condition is in addition to the public art contribution required under the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition **(1) VOLUNTARY PLANNING AGREEMENT**.

(12) PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with any Stage 2 development application for the site. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual).

(13) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 150 lineal metres of stone 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.

(14) PUBLIC DOMAIN LIGHTING

- (a) 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 Council with the relevant Stage 2 development application. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets 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.

(15) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council with the relevant Stage 2 development application.
- (b) The requirements of Sydney Water with regard to the onsite detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted to Council with the relevant Stage 2 development application.
- (c) A concept stormwater quality assessment must be undertaken and submitted to Council with the relevant Stage 2 development application.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;

- b. reduce the baseline annual pollutant load for total suspended solids by 85%;
- c. reduce the baseline annual pollutant load for total phosphorous by 65%;
- d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(16) WIND ASSESSMENT

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

(17) ACID SULFATE SOILS MANAGEMENT PLAN

An Acid Sulfate Soils Management Plan is to be submitted with the relevant Stage 2 development application.

(18) CONTAMINATION – DETAILED ENVIRONMENTAL SITE ASSESSMENT

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

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

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

(19) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building(s) proposed in any Stage 2 development application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(20) WASTE MANAGEMENT FACILITIES

The relevant future Stage 2 development application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005 (as may be amended). In particular, the following design requirements should be included in any Stage 2 development application:

- (a) clearance height for access by collection vehicle must be no less than 3.8m at any point if vehicle is required to enter site to service bins;
- (b) waste vehicles must be capable of entering and exiting in a forward direction; and
- (c) the applicant must submit a swept path analysis as part of the detailed design stage showing all the roads can be serviced by a standard Council garbage vehicle. These plans must be submitted with the relevant Stage 2 development application.

(21) SITE LANDSCAPING

Detailed landscape plans are to be submitted with any future Stage 2 development application.

(22) ACOUSTIC REPORT

The relevant Stage 2 development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant (see note) which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

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

(23) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan must be prepared and submitted with the relevant Stage 2 development application.

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

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

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

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

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

(24) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

The applicant is advised that approval of any future Stage 2 development application will require the submission and approval of a Construction Traffic Management Plan prior to the issue of a Construction Certificate. The Construction Traffic Management Plan is to detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

(25) TRANSPORT IMPACT ASSESSMENT

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

(26) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the relevant future Stage 2 development application.
- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/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.

(27) SERVICE VEHICLES

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

The relevant Stage 2 development application must include a swept path assessment for the largest vehicle to access the proposed servicing area.

(28) LOADING WITHIN SITE

The relevant Stage 2 development application is to demonstrate that all loading and unloading operations associated with servicing the site can be carried out within the confines of the site at all times, and must not obstruct other properties / unit or the public way.

(29) VEHICLES TO ENTER AND LEAVE SITE IN A FORWARD DIRECTION

The relevant Stage 2 development application is to demonstrate that development on the site has been configured to allow all vehicles to be driven onto and off the site in a forward direction.

(30) CAR SHARE SPACES

The relevant Stage 2 development application is to make provision for car share spaces in accordance with Sydney Development Control Plan 2012.

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

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the relevant Stage 2 development application. Bicycle parking for residents and employees is to be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities. All visitor bicycle parking is to be provided at-grade in an easily accessible and visible location.

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

(32) CONSULTATION WITH THE CBD COORDINATION OFFICE, CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM AND THE CITY OF SYDNEY

The applicant is to consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney to ensure that the traffic / transport interface issues along Pitt Street are addressed prior to the lodgement of the relevant Stage 2 development application. The relevant Stage 2 development application will need to consider the CBD and South East Light Rail project, City Access Plan, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

(33) CONSULTATION WITH ADJOINING PROPERTY OWNERS – SHARED BASEMENT AND ACCESS

Prior to the lodgement of the relevant Stage 2 development application, the applicant is to investigate the potential to integrate the proposed basement and associated vehicle access from Pitt Street with adjoining properties. Investigations are to include consultation with adjoining property owners.

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

Any relevant Stage 2 development application relating to Tower B and/or the basement on the site is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) impact on the road network;
- (b) future economic welfare and development of Sydney and the State;
- (c) efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) efficiency and traffic safety of the public transport network in the Sydney CBD; and
- (f) needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(35) TRANSPORT FOR NSW CONDITIONS**Construction Pedestrian and Traffic Management Plan**

- (a) Prior to the commencement of any works on the Site, a Construction Pedestrian and Traffic Management Plan prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority (PCA). The Plan must be prepared in consultation with the CBD Coordination Office within TfNSW. The Plan shall address, but not be limited to, the following matters:
- (i) Details of construction activities and timing of these activities;
 - (ii) Ingress and egress of vehicles to the Site;
 - (iii) Construction programme;
 - (iv) The staging of works and simultaneous construction with other projects including Sydney Light Rail project in the Circular Quay and Wynyard Precincts;
 - (v) Predicted construction traffic movements, types and routes;
 - (vi) Construction impacts on the road network, bus operation, bus stops and the safety of pedestrians/cyclists; and
 - (vii) Pedestrian and traffic management measures.

The applicant shall submit a copy of the final Plan to the CBD Coordination Office within TfNSW for endorsement, prior to the commencement of work.

Sydney Rail Light Project

- (b) The applicant shall design and construct the development in accordance with the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008) prepared by the Department of Planning and Environment. This guideline includes requirements for excavation within proximity to rail lines, safety and other requirements to be incorporated into design.

(36) SYDNEY TRAINS CONDITIONS

- (a) The owners of the site are required to consult with TfNSW and Sydney Trains prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 and lodgement of a Stage 2 development application(s) to ensure that the relevant designs have taken into consideration the relationship with the of the designs with the future CBD Rail Link (CBDRL).
- (b) Any Stage 2 development application(s) over the site must address the following matters:

- (i) the design to satisfy conditions (c) to (f) 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 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) provision to TfNSW and Sydney Trains of drawings, reports and other information relating to the design development;
 - (vi) such matters which TfNSW and Sydney Trains considered are appropriate; and such other matters as the owners and TfNSW and Sydney Trains may agree;
 - (vii) a detailed acoustic assessment report;
 - (viii) a detailed report on the potential impacts of electro-magnetic stray currents.
- (c) The design of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW / Sydney Trains.
- (d) Undertake detailed geotechnical analysis to the satisfaction of TfNSW / Sydney Trains to demonstrate likely movement of the ground due to the future CBDRL.
- (e) No modifications may be made to the approved design without the consent of TfNSW / Sydney Trains.
- (f) A regime is to be prepared for consultation with, and approved by TfNSW / Sydney Trains 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.

(37) SYDNEY AIRPORT CONDITIONS

- (a) The building (Tower A) must not exceed a maximum height of ~~191~~ **200** metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues etc.
- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct buildings that exceed 51 metres AHD and penetrate prescribed airspace. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently may not be approved. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

- (c) 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.
- (d) Any future addition to the buildings height that increases the penetration of the OLS (including the installation of additional antennas) will require a separate assessment.

(38) HERITAGE COUNCIL CONDITIONS

- (a) Details of the proposed methodology for demolition, excavation and construction phases of the project must be provided as part of the relevant Stage 2 development application. Careful consideration of subsidence, vibration and structural instability must be incorporated into the construction and design. The methodology must ensure that there will be no disturbance to the Tank Stream.
- (b) A detailed historical archaeological assessment and research design must be prepared and submitted as part of the relevant Stage 2 development application in areas. This assessment should exclude the footprint of Goldfields House. It should be prepared by a suitably qualified historical archaeologist with experience in state significant archaeological sites. The assessment must be prepared to inform the design proposed for the relevant Stage 2 development application. Avoidance of harm must be considered in this design where state significant relics may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2 development application. This HIS should also demonstrate impact mitigation where harm cannot be avoided.
- (c) There is potential for Aboriginal objects to be present within the footprint of the Rugby Club, Fairfax House site and immediate surrounds. On this basis a Full Aboriginal Cultural Heritage Assessment Report with Community consultation in line with current OEH Guidelines must be prepared and submitted as part of the relevant Stage 2 development application if the Aboriginal Due Diligence Assessment undertaken for the site confirms that there is potential for 'Aboriginal objects' on this site. Avoidance of harm must be considered in this design where Aboriginal objects may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2 development application. This heritage impact statement should also demonstrate impact mitigation where harm cannot be avoided.
- (d) An interpretation strategy should be prepared and implemented as part of the relevant Stage 2 development application. The Interpretation Strategy must enhance public appreciation of the early history of the precinct, its maritime uses, and of the Tank Stream.

(39) DEPARTMENT OF PRIMARY INDUSTRIES CONDITIONS

- (a) A comprehensive investigation of the hydrogeological setting is to be undertaken during the preparation of and prior to the submission of the relevant Stage 2 development application.

- (b) It is noted that the option of having an on-going take of groundwater for the life of the building is to be considered.
- (c) At the time of Stage 2 site investigations, the Applicant is to establish and continuously monitor piezometers established around the perimeter of the site in the uppermost aquifer present at the site, with a view to accurately ascertaining the current groundwater conditions and variation. The accuracy and extent of the understandings developed will help inform the licensing of any on-going groundwater take. The assessment needs to consider any interaction with the Tank Stream and its present ability to provide enhanced drainage or effects on groundwater flow.

(40) AUSGRID CONDITIONS

- (a) 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 assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - (i) changes in electrical load requirements;
 - (ii) changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.);
 - (iii) works affecting Ausgrid's easements, leases and/ or right of ways;
 - (iv) changing the gradients of any roads or paths;
 - (v) changing the level of roads or foot paths;
 - (vi) widening or narrowing of roads;
 - (vii) closing roads or laneways to vehicles;
 - (viii) in all cases Ausgrid is to have 24 hour access to all its assets.
- (c) 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.

(41) SYDNEY WATER CONDITIONS

- (a) Water, Drainage, Stormwater and Groundwater
 - (i) As per the Secretary's Environmental Assessment Requirements, issued 30 June 2015, the applicant will be required to provide an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure.

- (ii) The Stage 2 development application should include an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure. These documents should be referred to Sydney Water as part of the assessment of the Stage 2 Development Application.
- (b) Constructing a building adjacent to Sydney Water Stormwater assets
 - (i) Prior to the submission of a Stage 2 Development Application, suitable arrangements are to be made with Sydney Water for the accessibility and protection of the existing Sydney Water stormwater drain in Rugby Place / Crane Place.
 - (ii) Sydney Water advises that no building structure is to encroach laterally within 1m of the existing Sydney Water stormwater drain (unlimited depth and height) and this is to be clearly shown on future survey drawings. This is to comply with our Building Over/Adjacent to Sydney Water stormwater assets.
- (c) Discharge Stormwater Quality Targets
 - (i) Discharge stormwater quality targets should form part of the Stormwater Concept Plan for Stage 2 development application.
 - (ii) Detailed requirements will be provided at the Section 73 application phase.
- (d) Heritage
 - (i) The proposal is within close proximity of the Tank Stream, which is State Heritage listed on Sydney Water's Section 180 Register.
 - (ii) Sydney Water are satisfied that the proposal does not propose to develop within 3m of the Tank Stream, and that no connection is proposed to this asset.
 - (iii) Stage 2 of the development application should outline the methodology to ensure no adverse impacts to the Tank Stream during construction phase. The Stage 2 application should be referred to Sydney Water for subsequent review.
- (e) Water and wastewater
 - (i) The proposed development can connect to the 250mm water main in Pitt Street and 450mm wastewater main in Alfred Street.
 - (ii) Amplification of assets may be required to service the proposed development. This will be assessed at the Section 73 application phase after the development consent is obtained

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

Carried unanimously.

At this stage of the meeting, it having been agreed that these matters be dealt with together, it was moved by the Chair (the Lord Mayor), seconded by Mr Webster -

That the officers' recommendations for Items 9, 10, 12 and 13, as follows, be adopted.

Carried unanimously.

ITEM 9 SECTION 96(2) APPLICATION: 106-116 EPSOM ROAD ZETLAND (D/2011/1760/B)

It is resolved that consent be granted to Section 96(2) Application No. D/2011/1760/B, and that Development Consent D/2011/1760/A be modified as follows, with modifications shown in ***bold italics*** (additions) and **~~*bold italics strikethrough*~~** (deletions), as follows:

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:

<i>Drawing Number</i>	<i>Architect</i>	<i>Date</i>
<i>DA 1.02 (rev.C) Site Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>
<i>DA 2.00 (rev.C) Sub-Floor Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>
<i>DA 2.01 (rev.C) Typical Basement Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>
<i>DA 2.02 (rev.C) Ground Floor Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>
<i>DA 2.03 (rev.C) Level 1-3 Floor Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>
<i>DA 2.04 (rev.C) Level 4 Floor Plan</i>	<i>Architects + Partners</i>	<i>10.04.2013</i>

<i>Drawing Number</i>	<i>Architect</i>	<i>Date</i>
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
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

<i>Drawing Number</i>	<i>Architect</i>	<i>Date</i>
<i>DA 000 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 1.02 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.02 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.03 a Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.03 b Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.03 c Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.04 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.05 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.06 a Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.06 b Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.07 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.08 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 2.09 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 3.00 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 3.03 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 3.07 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 3.08 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 4.00 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>
<i>DA 4.01 Rev B</i>	<i>BVN</i>	<i>08.03.16</i>

(As modified by D/2011/1760/B, dated 11 August 2016)

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 **relevant** 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.

(As modified by D/2011/1760/B, dated 11 August 2016)

(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 **B** ~~C~~, dated **8.03.2016** ~~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.

(As modified by D/2011/1760/B, dated 11 August 2016)

(7) BUILDING ENVELOPES

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

Building	RL	Max. height (metres)	Max. height (storeys)
Building A1	RL 54.75 RL 63.5	33 metres 42 metres	10 12 storeys
Building A2	RL 66.56 RL 69.56	45 metres 49 metres	14 storeys

Building	RL	Max. height (metres)	Max. height (storeys)
Building B1	RL 51.59 RL 53.45	30 metres 35 metres	9 storeys
Building B2	RL 47.54 RL 53.45	27 metres 35 metres	8 - 9 storeys
Building B3	RL 38.93 RL 38.85	18 metres 21 metres	5 storeys
Building B4	RL 39.41 RL 38.85	18 metres 20 metres	5 storeys
Building C1	RL 47.85 RL 50.27	27 metres 31 metres	8 storeys
Building C2	RL 38.89 RL 40.23	18 metres 21 metres	5 storeys
Building C3	RL 38.71 RL 40.97	18 metres 22 metres	5 storeys
Building 01	RL 47.18 RL 52.29	27 metres 34 metres	8 storeys
Building 02	RL 47.49 RL 52.33	27 metres 34 metres	8 storeys

- (c) The building envelopes and Rls 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 Rls. Notwithstanding this, the building envelopes and Rls shown in (b) above do not include architectural roof features. Any architectural roof feature/s and other non-compliances with the Rls 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)

(As modified by D/2011/1760/B, dated 11 August 2016)

(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 A1 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 **B** ~~C~~, dated **8.03.2016** ~~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.

(As modified by D/2011/1760/B, dated 11 August 2016)

(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 **Apartment Design Guide 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 **Apartment Design Guide 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).

(As modified by D/2011/1760/B, dated 11 August 2016)

(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 AUSTRROADS.
- (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 mode 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. 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. 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.

NOTE: The proposal no longer includes an open channel or bridge and the above requirements of Condition (42) are redundant. The Applicant must provide detailed demolition, engineering and construction documentation of the stormwater trunk drainage infrastructure as required by the relevant Voluntary Planning Agreement, to the satisfaction of Sydney Water prior to the issue of a Construction Certificate.

(As modified by D/2011/1760/B, dated 11 August 2016)

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 seepage inflows (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).

Carried unanimously.

ITEM 10 DEVELOPMENT APPLICATION: 106-116 EPSOM ROAD ZETLAND (D/2015/913)

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/913 after:
 - (1) The Voluntary Planning Agreement is publicly exhibited and any submissions considered.
- (C) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out below; and
- (D) in determining the application, the CEO consider the draft conditions of consent, as shown in Part A below, and Schedules 1A, 1B, 1C, 1D and Schedules 2 and 3 of the subject report to the Central Sydney Planning Committee on 11 August 2016, and any other relevant conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

- The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination:
 - (1) PLANNING AGREEMENT**
 - (a) That a Voluntary Planning Agreement reflecting the Stage 2 approved plans and works be executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and

- (c) The Planning Agreement, as executed, must be registered on the Title of the land in accordance with the Planning Agreement.
- 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 by within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
 - The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied.
 - Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C, 1D and Schedules 2 and 3 of the subject report to the Central Sydney Planning Committee on 11 August 2016, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 12 POST EXHIBITION - AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - REZONING OF SITES IN PYRMONT (X00023)

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont, as detailed in the subject report;
- (B) the Central Sydney Planning committee approve the Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of Sites in Pyrmont, shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that authority be delegated to the Chief Executive Officer to make any minor changes to the Planning Proposal: Sydney Local Environmental Plan 2012 - Rezoning of sites in Pyrmont to correct any drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

ITEM 13 PUBLIC EXHIBITION - GAZCORP SITE - GREEN SQUARE - PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S116061)

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria), shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council approve Draft Sydney Development Control Plan 2012 - Gazcorp Site Amendment, shown at Attachment B to the subject report, for public exhibition in parallel with the Planning Proposal and in accordance with the Gateway Determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council delegate authority to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) and Draft Sydney Development Control Plan 2012 - Gazcorp Site Amendment prior to the public exhibition; and
- (F) the Central Sydney Planning Committee note that, following consideration of any submissions, and any modifications as necessary, Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria) will be reported back to the Central Sydney Planning Committee for final approval.

Carried unanimously.

Thursday 11 August 2016

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The meeting of the Central Sydney Planning Committee concluded at 7.18pm.

CHAIR