

Attachment A

Recommended Conditions of Consent
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PART A - DEFERRED COMMENCEMENT CONDITIONS

SCHEDULE 1

- (A) The consent is not to operate until the following condition is satisfied:
- (1) VOLUNTARY PLANNING AGREEMENT**
- (a) That a Voluntary Planning Agreement in accordance with the public benefit offer made by JEFFMAN PTY LTD AND RED BREAST PTY. LIMITED dated 2 June 2021, be exhibited, executed and submitted to Council; and
 - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
 - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED CONCEPT DEVELOPMENT APPLICATION/APPROVED FIRST STAGE

(1) STAGED DEVELOPMENT APPLICATION

(a) Pursuant to Division 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application and which is subject to:

- (i) the conditions at Part A, Schedule 1;
- (ii) this condition (1) STAGED DEVELOPMENT APPLICATION in Part B, Schedule 1A; and
- (iii) conditions at Part B, Schedules 1B to 3.

A subsequent development application is required for any works, other than the first stage of development specified at (b) below, to be carried out on the site.

(b) Pursuant to clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a concept development application and approves a first stage of development, subject to:

- (i) the conditions at Part A, Schedule 1; and
- (ii) Part B, Schedule 1A and Part B, Schedules 1C to 3 of this consent, and which comprises:
 - a. staged demolition of all existing structures including ground floor slabs and footings;
 - b. staged remediation;
 - c. staged subdivision to create four new development parcels, transfer lands (for transfer and dedication to the city) and associated works;
 - d. temporary relocation of the existing substation;
 - e. tree removal; and
 - f. staged construction of the new east-west street, augmentation of the traffic signals at the intersection of the new east-west street and Bourke Street, construction of the through site link, temporary access paths and public open space area (comprising future shared zones and park).

(2) APPROVED FIRST STAGE OF DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/45 dated 21 January 2020 and the following Plans of Proposed Subdivision prepared by geosurv:

Drawing Name	Date
Phase 1	19.05.2021
Phase 2	19.05.2021

- (b) Demolition works must be in accordance with Development Application No. D/2020/45 dated 21 January 2020 and the following drawings prepared by TURNER:

Drawing Number	Drawing Name	Date
MP-100-210, J	Stage 2 DA: Subdivision + Public Domain Works Demolition Plan – Stage 1 - Interim	23.04.21
MP-100-220, J	Stage 2 DA: Subdivision + Public Domain Works Demolition Plan – Stage 2 - Final	23.04.21

and as amended by the conditions of this consent.

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

(3) DESIGN MODIFICATIONS – DEMOLITION PLANS

The demolition plans must be modified as follows:

- (a) the following text indicated by struck-through italics is to be deleted from the notation on drawing no. MP-100-210: *EXISTING SUBSTATION IN LOT3 OF DP775039 TO BE DEMOLISHED AND RELOCATED TO NEW PARCEL 1 AS PART OF STAGE 1 PUBLIC DOMAIN WORKS SCOPE;*
- (b) light green hatching and associated notation that reads ‘PROPOSED LOCATION OF RELOCATED SUBSTATION + ASSOCIATED EASEMENT’ are to be deleted from the drawings and drawings’ legend;
- (c) the following text indicated by struck-through italics is to be deleted from the notation on drawing no. MP-100-220: *Refer to Northrop design for City of*

~~Sydney Council road + civil documentation included in this application for interim turning head design;~~

- (d) the NOTE REGARDING TREE MANAGEMENT is to be deleted from the drawings' legend;
- (e) the following text indicated by struck-through italics is to be deleted from the notations beneath TREE TO BE REMOVED and TREE TO BE RETAINED in the drawings' legend: ~~REFER LANDSCAPE ARCHITECT'S PLAN;~~
- (f) trees identified for retention or removal are to be amended to be consistent with the ABORICULTURAL IMPACT ASSESSMENT REPORT, TREES APPROVED FOR REMOVAL and TREES THAT MUST BE RETAINED conditions in this consent;
- (g) to clearly illustrate that the party wall on the boundary that separates the subject site from the adjacent property at 3-7 Danks Street (Lot 21 DP 592996), and labelled (Z) EASEMENT FOR SUPPORT (VIDE Q573262) on the approved Plans of Proposed Subdivision, must not be demolished and are to be retained; and
- (h) notations that read: 'Refer to Northrop design for City of Sydney Council road + civil documentation included in this application for interim turning head design' are to be deleted from drawings.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of any works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- (a) The terms of the planning agreement entered into in accordance with Deferred Commencement Condition (1) VOLUNTARY PLANNING AGREEMENT are to be complied with.
- (b) Full compliance with the terms of the planning agreement entered into in accordance with Deferred Commencement Condition (1) VOLUNTARY PLANNING AGREEMENT, in relation to terms relevant to the subdivision and land dedications, must be achieved prior to the release of the Phase 1 or Phase 2 subdivision certificates.

(5) SUBSTATION

- (a) The existing substation in Lot 3 of DP775039 is to be demolished and replaced with a temporary substation in a location to be submitted to and approved by Council's Area Planning Manager
- (b) The temporary substation approved in accordance with (a) above is to be demolished and replaced with a permanent chamber substation, that is integrated into the architecture of any building contained within the approved concept envelope in (Parcel 1) Lot 1.

- (b) The detailed design and construction of the substation is subject to any competitive design process and subsequent DA for the detailed design of the building to be contained within (Parcel 1) Lot 1.

HEALTH & BUILDING/WORKS MANAGEMENT/TRAFFIC AND TRANSPORT

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

A site-specific noise management plan shall be submitted to and approved by Council's Area Planning Manager prior to the commencement of any works approved by this consent.

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.

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

- (a) All works approved by this consent must be carried out in accordance with the Demolition, Excavation and Construction Management Plan approved in accordance with the DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN condition above.
- (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 officers prior to activities being undertaken that exceed sanctioned emission levels.

(8) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW 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 must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (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 must 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 must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (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 written 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.

(9) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

(10) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

- (a) All the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey approved in accordance with the HAZARDOUS MATERIALS SURVEY REQUIRED condition above must be complied with.
- (b) Prior to the issue of any Certificate of Completion being issued for Public Domain Works, certification from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Reports and that the site is safe for future occupation in accordance with the approved use, must be submitted to and approved by Council's Area Planning Manager.

(11) DILAPIDATION REPORT – MAJOR DEMOLITION

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of properties at 1 Danks Street (Lot 10 DP 1060318, Lots 1-22 SP 71197), 3-7 Danks Street (Lot 21 DP 592996), 9-15 Danks Street (Lot 10 DP 1115816, Lots 1-5 SP 79627, Lots 7-24 SP 79627, Lots 26-27 SP 79627, Lots 29-33 SP 79627, Lots 35-36 SP 79627, Lots 37-41 SP 80714), 17 Danks Street (Lot 1 DP 1186942, Lots 1-43 SP 91436), 21-25 Danks Street (Lot 3 DP 600884), 895-899 Bourke Street (Lot 1 DP 88482), 901 Bourke Street (Lot B DP 88095) and 903-921 Bourke Street (Lot 102 DP 1203640), 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 any relevant Principal Certifier and the Council prior to the commencement of demolition/excavation works or issue of a Subdivision Works Certificate whichever is the earlier.

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 any relevant Principal Certifier and the Council prior to the issue of any Certificate of Completion for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

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.

(12) 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 approved by any relevant Principal Certifier or Council's Area Planning Manager / Coordinator.

- (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).

(13) WORKS REQUIRING USE OF A PUBLIC PLACE

Where demolition/subdivision/construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(14) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

(15) FIRST DEVELOPMENT STAGE TRAFFIC MANAGEMENT PLAN

- (a) A First Development Stage Traffic Management Plan must be submitted to and approved by Council prior to any demolition or subdivision works commencing or issue of a Subdivision Works Certificate, whichever is the earlier.
- (b) The approved plan must be complied with during any works associated with the first development stage.

Note: The Traffic Management Plan must be prepared in consultation with Transport for NSW in accordance with the relevant condition contained in Part B, Schedule 1D of this consent.

(16) REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Senversa, dated 26 February 2021, reference number S17025_028_rpt rev2 rap and Section B Site Audit Statement, Andrew Kohlrusch of GHD Environmental, dated 5 March 2021.

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

The site is to be remediated so that the land is not subject to any onerous long term EMPs that require monitoring and reporting by future land owners.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remedial Action Plan shall be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

(17) 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 must 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.

(18) 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, Part 1: 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.

(19) TEMPORARY DEWATERING

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Prior approval must be sought from the City's Public Domain Unit to discharge any water collected during excavation associated with subdivision works 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.

(20) EARLY PHYSICAL WORKS ENVIRONMENTAL MANAGEMENT PLAN

An Early Physical Works Environmental Management Plan (EPWEMP) must be prepared for the site and submitted to Council's Area Planning Manager for written approval prior to the commencement of any demolition and remedial work. The EPWEMP 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 in accordance with the approved Early Physical Works Environmental Management Plan.

(21) 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 Team.
- (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

(22) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which 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* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of 9.30am to 1pm and 2pm to 4.30pm Mondays to Fridays and 9.30am to 1.30pm Saturdays.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies 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*.

(23) 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.

(24) SITE AUDIT STATEMENT

On completion of the approved remediation works, a Section A1 Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and that the site is suitable for its approved use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) No Certificate of Completion for Public Domain Works or any Occupation Certificate for buildings constructed within the approved development parcels (whichever is sought first) can be issued unless a Section A1 Site Audit Statement has been submitted to and approved by Council in accordance with this condition.
- (d) Should the site require further remediation and the issue of an A1 Site Audit Statement is not possible following completion of the approved remediation strategy, a Section A2 statement and Site Audit Report from a NSW EPA accredited Site Auditor must be provided to the Area Planning Manager to fully explain the contamination status of the land, reasons why the site could not be fully remediated and what measures will be required to make the land suitable for its use.

(25) SITE AUDIT STATEMENT – INTERIM ENVIRONMENTAL MANAGEMENT PLAN

Where the issuing of a Section A Site Audit Statement for any lot within the development site is dependent upon the management of contaminants from the Lawrence Dry Cleaning Site (LDC Site) prior to the full remediation of the LDC Site, an interim Environmental Management Plan (EMP) in relation to any residual contamination remaining on site, must be prepared for the LDC Site, which reflects the obligations contained in Order 14 of Management Order No 20111403 issued by the Land and Environment Court of NSW on 26 May 2011, such that no lot within the development site will be unacceptably impacted, and which must be approved by the Site Auditor and Council's Area Planning Manager.

The owner of the land is required to comply with the ongoing obligations of any interim EMP until the Site Auditor, either by way of interim audit advice or a further Site Audit Statement, advises that such compliance is no longer necessary.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for the ongoing maintenance and any future rehabilitation works required for the encapsulated /remaining contaminated materials, including the prevention of discharge from any contaminants or for any works required by the NSW Environmental Protection Authority.

A copy of the revised certificate of land title recording the covenant must be submitted to the City's Area Planning Manager and the Principal Certifier prior to the issue of Certificate of Completion being issued for Public Domain Works or an Occupation Certificate whichever is the earlier.

(26) EARLY PHYSICAL WORKS AIR QUALITY MANAGEMENT PLAN (AQMP)

Prior to the commencement of any demolition, excavation or remediation works within the subject site, an Early Physical Works Air Quality Management Plan (EPWAQMP) must be prepared by a suitably qualified Environmental Consultant and submitted to and approved by the city's Area Planning Manager.

The EPWAQMP shall be consistent with the requirements of Order 14 of Management Order No. 20111403 issued by the Land and Environment Court of NSW on 26 May 2011 and must address, but is not limited to, the following matters:

- (a) description of the measures that would be implemented on site to ensure:
 - (i) the control of air quality and odour impacts of the proposed works;
 - (ii) that these controls remain effective for the duration of the works;
 - (iii) that all reasonable and feasible air quality management practice measures are employed;
 - (iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
 - (v) compliance with relevant conditions of consent.
- (b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses,
- (c) includes an air quality monitoring program that:
 - (i) is capable of evaluating the performance of the demolition, excavation and remediation works;
 - (ii) includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints;
 - (iii) adequately supports the air quality performance objectives; and
 - (iv) evaluates and reports on the effectiveness of air quality management for the demolition, excavation and remediation works.
- (d) details on monitoring weather conditions and communicating changing conditions to the workforce;
- (e) stop work procedures if performance objectives are not being met.

(27) WASTE AND RECYCLING MANAGEMENT – APPROVED WORKS

Waste and recycling management relating to the first stage of works approved by this consent must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which require the minimisation and management of waste and recycling materials.

(28) 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.
- (c) Notwithstanding the above, the use of a crane 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 outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

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 4.55 of the *Environmental Planning and Assessment Act 1979*.

(29) 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.

(30) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) approved in accordance with the EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM condition above, must be implemented in full during the first stage of development approved by this consent.

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 works; 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.

(31) 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.

(32) LOADING AND UNLOADING DURING FIRST STAGE OF DEVELOPMENT

The following requirements apply:

- (a) All loading and unloading associated with work activities must be accommodated on site, where possible.
- (b) If, 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 works. The approval will be reviewed periodically for any adjustment necessitated by the progress of work activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

(33) 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.

(34) 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) The use of a crane 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 outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

HERITAGE

(35) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS)

The archival recording of 887-893 Bourke Street building should include accurate measured drawings of the following:

- (a) The building and the site as a whole including:
 - (i) Location Plan
 - (ii) Site Plan (1:500 or 1:200)
 - (iii) Floor Plan/s (1:100 or 1:50)
 - (iv) Roof Plan/s (1:100 or 1:50)
 - (v) Elevations and Sections (1:100 or 1:50)
- (b) Components of the building including doors, windows, building form, sawtooth steel truss roofing system, mezzanine floor structure, joinery details, beams, columns, and any other historic details such as rainwater heads, box gutters, downpipes and indicate 1:10 or 1:5 scale.

Measured drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings can also be annotated or hatched to reveal more about the heritage significance of the site or object (e.g. to differentiate between dates of construction, materials and finishes and vegetation types). For further guidelines, refer to the NSW Heritage Division of the Department of Environment and Heritage Information Series publication titled 'How to prepare Archival Records of Heritage Items'.

The measured drawings are to be submitted to and approved by Council prior to the commencement of any works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier.

(36) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to the commencement of any works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier, a detailed archival photographic recording of the interiors and exteriors of the 887-893 Bourke Street building is to be prepared to Council's satisfaction. The recording is to be in digital form, or a combination of both, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

(37) SITES IN THE VICINITY OF A HERITAGE ITEM

The approved works are to ensure that *903-921 Bourke Street - Former Sydney Water pumping station & valve house* is to be suitably protected during the approved work activities. The contractor or developer must conduct consultations with the stockholders of the neighbouring heritage site, record and monitor the conditions of the heritage buildings and take suitable measures to control and minimize any risks to the heritage fabric during work activities. The protection measures should be incorporated into the plan prepared and approved in accordance with the EARLY PHYSICAL WORKS ENVIRONMENTAL MANAGEMENT PLAN condition in this consent. Details of the protection plan must be submitted to and approved by Council's Area Planning Manager prior to the commencement of any works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier.

(38) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavations carried out as part of the approved remediation works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is

to be submitted to Council prior to the prior to a Certificate of Completion being issued for Public Domain Works;

(d) if the discovery is on Council's land, Council must be informed.

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

Bricks, concrete, sandstone, roof structure, trusses, steel/metal and timber building elements and decorative architectural elements contained within the property at 887-893 Bourke Street, to be demolished, and which include original internal and external elements, windows, and doors, must be salvaged. The existing original building elements identified by the Heritage Assessment by GBA Heritage dated October 2019, as having 'moderate' and 'high' significance must be reused in practical or interpretive capacity in the re-development of the site, in consultation with a suitably qualified and experienced heritage practitioner. Bricks, concrete, sandstone, and other suitable salvaged materials should be reused in public, private domain and landscaped areas where possible to refer to and align with the City's Danks Street South Precinct Open Space Concept Design.

A detailed Salvage, Reuse and Recycle methodology outlining genuine measures for proposed reuse of the salvaged materials in the future development, and referring to and aligning with the City's Danks Street South Precinct Open Space Concept Design, must be submitted to and approved by Council's Area Planning Manager prior to the commencement of any demolition works, issue of a demolition approval or issue of a Subdivision Works Certificate pertaining to the buildings at 887-893 Bourke Street. The methodology should inform the Heritage Interpretation Plan required by the HERITAGE INTERPRETATION PLAN condition in this consent and be prepared by a suitably qualified and experienced heritage practitioner.

Salvaged building materials surplus to the project must be transferred to an established second-hand building materials dealer for recycling. Details of the materials to be transferred and to which material dealer are to be included in the methodology.

(40) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in heritage interpretation plans and salvage reuse and recycle methodologies is to be commissioned to work with the consultant team from their engagement until lodgement of any subsequent DAs for detailed design of buildings contained within the development parcels comprising (Parcel 2 and Parcel 3) Lots 104 and 103. The heritage consultant is to be involved in the resolution of all matters where existing fabric of the building contained within the property at 887-893 Bourke Street and identified as having 'moderate' and 'high' significance by the Heritage Assessment by GBA Heritage dated October 2019, is to be subject to heritage interpretation, recording, demolition, salvaging, reusing and recycling. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues.

Evidence and details of the above commission on the above terms are to be provided to Council's Urban Design and Heritage Manager prior to commencement of work on site. The heritage consultant must sign off on the

project upon lodgement of the relevant DAs for detailed design of buildings and submit a final report to Council's Urban Design and Heritage Manager specifying how the relevant heritage conditions of this consent have been satisfied.

PUBLIC DOMAIN

(41) ASSOCIATED ROADWAY COSTS

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

(42) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or works commencing, 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.

(43) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to an approval for demolition being granted or works commencing, whichever is earlier, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

(44) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- (b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
 - (i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
 - (ii) A Certificate of Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

(45) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for buildings within the approved development parcels, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
 - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

(46) STORMWATER DRAINAGE DESIGN

Prior to issue of any Subdivision Works Certificate or lodgement of any DA for the detailed design of a building, whichever is the earlier a detailed storm water management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Storm water Management* of the Sydney Development Control Plan 2012 must be submitted to and approved by Council's Public Domain Unit. A storm water infrastructure design certification shall be required stating that the proposed design complies with:

- (a) Council's *Sydney Streets Technical Specifications*, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's *Sydney Streets Technical Specifications*, Part B10: Stormwater Drainage Construction; and
- (d) All relevant Australian Standards.

Certification is also required of the hydraulic and structural design of all elements. Structural certification is not required for Council's *Sydney Streets Technical Specifications*, Standard Drawings.

The above certification shall accompany with information that address the requirements of section 4.5 Data Requirements, Part A4 Drainage Design of Council's *Sydney Streets Technical Specifications*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>.

Sydney Water Requirements – The requirements of Sydney Water with regard to the on-site detention (OSD) of storm water must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to any Construction Certificate other than demolition.

- (a) Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.
- (b) Note: The total discharge per site from kerb outlets must not exceed 25Litres/sec. If site discharge is greater, a connection must be made to a Council kerb inlet pit. If no kerb inlet pit exists, an extension of the Council storm water pipe system is required with a minimum 375mm diameter RCP.

(47) STORMWATER QUALITY

The development must comply with the storm water quality assessment in the Storm water Management Report prepared by Woods and Grieve Engineers dated 3/12/19 approved with this development application.

Prior to issue of any Subdivision Works Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to and approved by the Council's Public Domain Unit. The report must include a response to all storm water quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC e-link reports.

(48) ROAD NETWORK AND GEOMETRIC ROAD DESIGN – PHASES 1 & 2

- (a) Preparation of the detailed design and construction documentation for the proposed public road system (including the traffic control signals) and pedestrian link shall include all necessary liaison with and requirements of all relevant public utility authorities, Transport for NSW, 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 and pedestrian links in Phase 1 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 any Construction Certificate or Subdivision Works Certificate whichever is the earlier, excluding any preparatory or demolition works that form part of the first stage of development approved by this consent.
- (c) The design and construction of all road works and pedestrian links in Phase 2 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 any Construction Certificate or Subdivision Works Certificate whichever is the earlier, excluding any preparatory or demolition works that form part of the first stage of development approved by this consent.
- (d) 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;
 - iv. 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.
- (e) The road and drainage works for Phases 1 and 2 respectively are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

(49) SECTION 138 ROADS ACT APPROVAL

Approval under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any excavation in or disturbance of a public way for the construction of approved public domain works.

(50) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE EXISTING OR FUTURE ROAD RESERVE

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

(51) HOLD POINTS

Prior to issue of any Subdivision Works Certificate for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification*. The list of hold point inspections will be included in the Public Domain/Subdivision works approval letter.

These hold point inspections must be adhered to during construction of public domain and / or planning agreement works. Evidence that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier prior to the issue of any Certificate of Completion for Public Domain Works.

(52) DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted

to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This application must be approved prior to the issue of any Subdivision Works Certificate.

(53) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Certificate of Completion for Public Domain Works.

(54) SUBDIVISION WORKS COMPLETION - WORK AS EXECUTED DOCUMENTATION

Prior to issue of a Certificate of Completion for any public domain works, works-as-executed (As-Built) plans and documentation must be submitted to and accepted by City's Public Domain Unit for all works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be provided by the City's Public Domain Unit.

(55) LAND DEDICATION – NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City as part of the associated Planning Agreement must not be encumbered by any Long Term Environmental Management Plan other than a passive Long Term Environmental Management Plan as submitted to and approved by the Site Auditor and Council's Area Planning Manager .

(56) PUBLIC DOMAIN DAMAGE PHASES 1 & 2

- (a) A Public Domain Damage Bond for Phase 1 calculated on the basis of 985 square metres of concrete/asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Phase 1 Guarantee must be lodged with Council prior to commencement of any Phase 1 demolition works, issue of any approval for Phase 1 demolition works or issue of any Construction Certificate or Subdivision Works Certificate for Phase 1, whichever is the earlier.
- (c) A Public Domain Damage Bond for Phase 2 calculated on the basis of 420 square metres of concrete/asphalt and 650 square metres of unit paved 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 Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).

- (d) The Phase 2 Guarantee must be lodged with Council prior to the commencement of any Phase 2 demolition works, issue of any approval for Phase 2 demolition works or issue of any Construction Certificate or Subdivision Works Certificate for Phase 2, whichever is the earlier.
- (e) The Guarantee in this condition for Phase 1 will be retained in full until all Phase 1 works associated with this development consent, and any rectification works required, have been completed to Council's officers' satisfaction, a certificate of compliance for Phase 1 Planning Agreement works has been issued, or the public domain works bond has been lodged for the relevant buildings. The Guarantee will be released in full unless rectification works are required whereupon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.
- (f) The Guarantee in this condition for Phase 2 will be retained in full until all Phase 2 works associated with this development application, and any rectification works required, have been completed to the Council's officers' satisfaction, a certificate of compliance for Phase 2 Planning Agreement works has been issued, or the public domain works bond has been lodged for the relevant buildings. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

(57) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed utility drainage and service pit lids throughout the public domain shall be to City of Sydney specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by Public Domain Unit prior to the issue of an approval for public domain works.

(58) 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".

(59) SUBDIVISION WORKS FOR NEW ROADS AND/OR PARKS TO BE DEDICATED TO COUNCIL

The subdivision of land for new roads and/or parks, to be dedicated to Council, must occur under this development consent. All works associated with the subdivision of this land are 'subdivision works', as defined in the Environmental Planning and Assessment Act 1979. A subdivision works certificate is required prior to the commencement of subdivision works.

SUBDIVISION AND SURVEY REQUIREMENTS

(60) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979* for each phase of the subdivision.

(61) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata Certificate for each stage, 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 a Subdivision/Strata Certificate being issued. It should be noted that separate Section 73 certificates for the dedication only stage will not be required.

(62) EASEMENTS UNDER SEC 196 CONVEYANCING ACT

Documentary reciprocal easements for services, drainage, etc, where required, shall be created over the lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(63) ADDITIONAL EASEMENTS

Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the Conveyancing Act 1919 and to Council's satisfaction.

(64) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council's Spatial Information Officer to obtain the correct street address for each lot.

(65) LAND DEDICATION – PHASE 1 SUBDIVISION

- (a) Lots 4 and 5 shall be dedicated to the public as road with the Phase 1 plan of subdivision.

- (b) Lot 6 shall be dedicated as public pathway with the Phase 1 plan of subdivision.
- (c) Public domain works within Lots 4, 5 and 6 shall be completed to the satisfaction of Council's Public Domain division prior to the issue of the subdivision certificate for the Phase 1 subdivision.
- (d) Subdivision stages may be combined if so desired.
- (e) The land to be dedicated in accordance with the above clauses must be dedicated unencumbered. All restrictions, covenants and leases must be released in association with dedication, including those benefiting Council.

(66) LAND DEDICATION – PHASE 2 SUBDIVISION

- (a) Lot 101 shall be transferred or dedicated to the City of Sydney as requested, and as detailed in any VPA for the site.
- (b) Lots 102 and 105 shall be dedicated as public road with the Phase 2 subdivision.
- (c) Public domain works within Lots 102 and 105 shall be completed to the satisfaction of Council's Public Domain division prior to the issue of the subdivision certificate for Phase 2.
- (d) Subdivision stages may be combined if so desired.
- (e) The land to be dedicated in accordance with the above clauses must be dedicated unencumbered. All restrictions, covenants and leases must be released in association with dedication, including those benefiting Council.

(67) RESTRICTION ON THE USE OF LAND

- (a) A restriction on the use of land shall be created burdening Lots 103 and 104 pursuant to Section 88B of the *Conveyancing Act, 1919*, in terms to the satisfaction of Council, and benefiting Council. The terms shall require:
 - (i) no staged or final Occupation Certificate shall be issued in respect of Lot 103 unless Lot 106 has first been dedicated to Council; and
 - (ii) no staged or final Occupation Certificate shall be issued in respect of Lot 104 unless Lot 107 has first been dedicated to Council.

(68) POSITIVE COVENANT

A positive covenant shall be created burdening Lots 103 and 104 pursuant to Section 88B of the *Conveyancing Act, 1919*, in terms to the satisfaction of Council, and benefiting Council. The terms of the positive covenant shall be to the satisfaction of Council and require that public domain works within Lots 106 and 107 are completed to the satisfaction of the Public Domain team prior to dedication.

TREE MANAGEMENT

(69) ARBORICULTURAL IMPACT ASSESSMENT REPORT

- (a) Prior to the commencement of any demolition works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier, an Arboricultural Impact Assessment report must be submitted to and approved by Council's Area Planning Manager. The report must be:
 - (i) Prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture;
 - (ii) Written in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites (AS4970);
 - (iii) Must be informed by the exploratory root investigations carried out in accordance with the EXPLORATORY ROOT INVESTIGATIONS condition below; and
 - (iv) Must incorporate the tree pruning specifications prepared in accordance with the TREE PRUNING condition below.
- (b) The Arboricultural Impact Assessment report must provide the following details:
 - (i) An assessment and discussion of the likely impacts development will have on the trees listed for retention in the condition titled TREES THAT MUST BE RETAINED and TREES THAT MUST BE PROTECTED. This must include above and below ground constraints on trees that should be retained.
 - (ii) Recommendations of any design modifications, construction techniques (excavation, piling rigs, scaffolding/ hoarding) and/or other protection methods required to minimise adverse impact on trees listed for retention in the condition titled TREES THAT MUST BE RETAINED and TREES THAT MUST BE PROTECTED for the duration of approved works, and into the long term future. Note: particular attention must be paid to the existing soil levels, required alignment levels to integrate to the existing and proposed public domain and the required tree protection measures.
 - (iii) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development sites.
 - (iv) Provide a Tree Protection Plan (scaled drawing) showing the tree protection zones, structural root zones and canopies for trees affected by the proposed development.
 - (v) Information on the Arborist's involvement during the works is also required.
 - (vi) Any other works that must be prohibited throughout construction and development on site.

(70) EXPLORATORY ROOT INVESTIGATIONS

To ensure all TREES THAT MUST BE RETAINED and TREES THAT MUST BE PROTECTED are adequately protected from unnecessary damage that may occur during the soil remediation works, demolition works, bulk excavation, shoring and

piling works, an Exploratory Root Investigation Report must be prepared, and submitted to and approved by Council's Area Planning Manager prior to the commencement of any such works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier. The report must:

- (a) Be prepared by a qualified Arborist (minimum AQF Level 5), to determine the exact location and extent of existing roots.
- (b) Non-invasive root investigations must be undertaken where demolition of existing structures and excavation within the TPZ of trees to be retained and protected is proposed along the north and west alignment.
- (c) Where large roots greater than 40mm diameter are present and the AQF level 5 Arborist believes that these roots belong to a tree within the site (a tree to be removed) that root must be traced back to the trees buttress (clear photographic evidence is required).
- (d) This shall consist of either hand excavation, soil vacuum or 'air knife', to a minimum depth of 800mm below the existing grade, gently removing the soil to expose the existing tree roots where construction is likely to impact on the trees or require root pruning to achieve the proposed bulk excavation for the basement design.
- (e) An assessment and documentation (including photos) of tree root size, number and condition;
- (f) A site plan showing all excavation lines and root locations in relation to the proposed works;
- (g) Information on the Arborist's involvement during these works;
- (h) Details of the protective fencing to be installed (location / materials / duration);
- (i) Details on the trunk protection (method / materials / duration); and
- (j) Any other works that must be prohibited for their duration.

Note - This is to ensure health, vigour and stability of the trees is maintained into the future.

Note - Removal must not be recommended for any tree that is located on adjoining properties (including Council land) unless written consent from the tree owner is obtained.

(71) TREE PRUNING

- (a) A 'Pruning Specification Report' prepared by a qualified Arborist (minimum AQF Level 5) must be submitted to and approved by Council's Area Planning Manager prior to the commencement of any demolition works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier. The report must include:(i) Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed.(ii) Photos with individual branches which are recommended for pruning/removal to be clearly marked and labelled. (Please note reports

which include photos with a single vertical line as the area recommended for pruning will not be accepted).(iii) The total percentage of canopy to be removed and a detailed discussion on the affects that will have for each individual tree. The removal of branches greater than 100mm diameter and/or greater than 10% canopy removal will not be approved.(iv) Pruning work must be specified in accordance with *Australian Standard 4373–2007, Pruning of Amenity Trees*.(v) Tree removal must not be recommended in this report.(b) All approved tree pruning works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover’s Code of Practice – Amenity Tree Industry.**TREES APPROVED FOR REMOVAL**

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until a demolition approval or Subdivision Works Certificate is issued, whichever is the later.

Table 1 – Tree Removal:

Tree No	Botanical/Common Name	Location
53	<i>Jacaranda mimosifolia</i> (Jacaranda)	Street tree
67, 68, 70, 71	<i>Syagrus romanzoffiana</i> (Cocos palm)	207-229 Young Street
72	<i>Tristaniopsis laurina</i> (Watergum)	Street tree
73, 74, 75	<i>Platanus acerifolia</i> (Plane Tree)	207-229 Young Street - car park (new road)
78	<i>Cupaniopsis laurina</i> (Tuckeroo)	
79, 83	<i>Corymbia citriodora</i> (Lemon-scented gum)	207-229 Young Street

Note: Refer to Arboricultural Impact Assessment Report (AIA) prepared by Birds Tree Consultancy dated 14 April 2021 ‘Revision A’ for tree numbering and location.

- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum Level 3 AQF in arboriculture and in accordance with WorkCover’s Code of Practice – Amenity Tree Industry.

(73) TREES THAT MUST BE RETAINED

- (a) All existing trees within the site (except trees numbered 67, 68, 70, 71, 73, 74, 75, 78, 79 and 83) must be retained and protected in accordance with the conditions of consent through all phases of demolition, remediation, construction and development.
- (b) Refer to the AIA prepared by Birds Tree Consultancy dated 14 April 2021 ‘Revision A’ for tree numbering and location.

(74) TREES THAT MUST BE PROTECTED

- (a) All existing street trees surrounding the site (except trees numbered 53 and 72) must be protected in accordance with the conditions of consent through all phases of demolition, remediation, construction and development.
- (b) Refer to the AIA prepared by Birds Tree Consultancy dated 14 April 2021 'Revision A' for tree numbering and location.

(75) TREE PROTECTION PLANS

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted as part of an application for a demolition approval or Subdivision Works Certificate must clearly show trees to be retained as required by these conditions of consent, the position of their trunks and tree numbering in accordance with AIA prepared by Birds Tree Consultancy dated 14 April 2021, 'Revision A'. The drawings are to be accompanied by a schedule detailing the full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

(76) WORK METHOD STATEMENT

All works undertaken within or above the TPZ must be carried out in accordance with an arboricultural work method statement (AWMS) prepared by an AQF Level 5 Arborist. The AWMS must be submitted to Council and written approval obtained from Council's Tree Management Officer prior to the commencement of any demolition works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier.

(77) TREE PROTECTION ZONE

- (a) All trees within the site to be retained must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All trees must be protected through all phases of demolition, remediation, construction and development.
- (b) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
 - (ii) Tree trunk/s and/or major branches, 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 works and must be removed at the completion of the work.

- (v) The area within the TPZ shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works.
 - (vi) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
- (c) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within the TPZ of any tree.
- (d) Any excavation within the TPZ and / or in any area known to or reasonably considered to contain tree roots greater than 40mm diameter must be undertaken by hand and in accordance with the approved arboricultural work method statement (AWMS).
- (e) Ground surface protection must be installed if work access is required through any TPZ:
- (i) Protected with boarding (i.e. scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the works.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) All work undertaken within or above the TPZ must be:
- (i) Supervised by a qualified Consultant Arborist (minimum AQF Level 5).
- (h) The following works must be excluded from within any TPZs:
- (i) Excavation (except for localised siting of piers / demolition of the concrete slab);
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;
 - (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;

- (ix) Any action leading to the impact on tree health or structure.

(78) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree identified for retention. The Arborist must certify compliance with each key milestone as detailed below:
 - (i) Installation of tree protection measures;
 - (ii) During demolition of any ground surface materials (paving, concrete, grass etc) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iii) During demolition of existing structures (decking, building, footings etc) within the TPZ of any tree to be retained;
 - (iv) During any soil remediation works within the TPZ of any tree to be retained;
 - (v) During construction of the new road and pedestrian link within the TPZ of any tree to be retained;
 - (vi) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
 - (vii) During any Landscape works within the TPZ of any tree to be retained.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
 - (i) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
 - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) Monthly reporting for the duration of works and carried out within the site;
 - (iv) Details of any other works undertaken on any tree to be retained or within TPZ/s;
 - (v) A final compliance report shall be submitted prior to the issue of any Certificate of Completion for Public Domain Works.

(79) STREET TREE PROTECTION

All street trees that are identified for retention and which are immediately adjacent to the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All of these street trees must be protected for the duration of works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between any structures and tree branches, limbs and trunks at all times;
 - (ii) Tree trunk/s and/or major branches, 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 works and must be removed at completion.
- (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) Trees in Young Street shall be protection by installing three (3) wooden stakes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) 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.
- (f) Any excavation within in any area known to or reasonably considered to contain street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 8 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of work activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of work

activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

(80) PROTECTION OF STREET TREES DURING WORK ACTIVITIES

All street trees adjacent to the site identified for retention must be protected for the duration of approved works, in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

Details of the methods of protection must be submitted to and approved by Council's Area Planning Manager prior to the commencement of any demolition works, issue of a demolition approval or Subdivision Works Certificate, whichever is the earlier. All approved protection measures must be maintained for the duration of works. Any such street trees that are damaged or removed during works activities must be replaced.

SCHEDULE 1B

APPROVED CONCEPT DEVELOPMENT APPLICATION/DESIGN MODIFICATIONS

(81) STAGED DEVELOPMENT APPLICATION

Pursuant to Division 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application. A subsequent development application is required for any works, other than the first stage of approved development specified at Part B, Schedule 1A above, to be carried out on the site.

(82) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2020/45 dated 21 January 2020 and the following drawings prepared by TURNER:

Drawing Number	Drawing Name	Date
MP-300-010, E	Stage 1 DA: Concept Envelopes Envelope Staging Diagram – Stage 1	23.04.21
MP-300-020, E	Stage 1 DA: Concept Envelopes Envelope Staging Diagram – Stage 2	23.04.21
MP-300-100, H	Stage 1 DA: Concept Envelopes Building Envelope Plan (Stage 1 and 2)	23.04.21
MP-300-201, I	Stage 1 DA: Concept Envelopes Danks Street – North Elevation	23.04.21
MP-300-202, J	Stage 1 DA: Concept Envelopes Bourke Street – East Elevation	23.04.21
MP-300-203, J	Stage 1 DA: Concept Envelopes Young Street – West Elevation	23.04.21
MP-300-204, I	Stage 1 DA: Concept Envelopes New Road 1 – North Elevation	23.04.21

Drawing Number	Drawing Name	Date
MP-300-205, I	Stage 1 DA: Concept Envelopes New Road 1 – South Elevation	23.04.21
MP-300-206, I	Stage 1 DA: Concept Envelopes Subject Site – South Elevation	23.04.21

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.

(83) DESIGN MODIFICATIONS – ENVELOPE DRAWINGS

The design of the building must be modified as follows:

- (a) amend Drawing Title of drawing MP-300-204, I to read: Stage 1 DA: Concept Envelopes New Road 1 – South Elevation;
- (b) amend Drawing Title of drawing MP-300-205, I to read: Stage 1 DA: Concept Envelopes New Road 1 – North Elevation;
- (c) light green hatching and associated notation that reads ‘PROPOSED LOCATION OF RELOCATED SUBSTATION + ASSOCIATED EASEMENT’ are to be deleted from the legend on each stamped drawing;
- (d) notations that read: ‘Refer to Northrop design for City of Sydney Council road + civil documentation included in this application for interim turning head design’ are to be deleted from drawings;
- (e) the NOTE REGARDING TREE MANAGEMENT is to be deleted from the drawings’ legend;
- (f) the following text indicated by struck-through italics is to be deleted from the notations beneath TREE TO BE RETAINED in the drawings’ legend: ~~REFER LANDSCAPE ARCHITECT’S PLAN;~~
- (g) trees identified for retention or removal are to be amended to be consistent with the trees to be retained or removed as specified in the arborists report approved in accordance with the ABORICULTURAL IMPACT ASSESSMENT REPORT, TREES APPROVED FOR REMOVAL and TREES THAT MUST BE RETAINED conditions in this consent;
- (h) concept envelopes adjacent to Young Street are to be setback in accordance with the recommendations of the AIA report approved in accordance with the ABORICULTURAL IMPACT ASSESSMENT REPORT condition in this consent. This is to provide suitable curtilage for existing canopies of trees to be retained in accordance with the TREES THAT MUST BE RETAINED condition in this consent;

- (i) the vehicle access location to proposed new south-western (Parcel 4) Lot 2 from Young Street is to be deleted (this matter is to be resolved at detailed design DA stage);
- (j) the 'pop-out' element at the upper portions of the envelope contained within the parcel comprising (Parcel 1) Lot 1, that encroaches on the 2.5m building setback to the through site link, is to be setback from its southern boundary by 4m;
- (k) the envelope contained within (Parcel 1) Lot 1 must be amended to allow for a minimum of 2 hours of sunlight to the living room windows and private open spaces to at least 9 apartments in the (Warehouse 1) building at 1 Danks Street, between the hours of 9am and 3pm at midwinter, in accordance with the design guidance to ADG objective 3B-2 and the design criteria to ADG objective 4A-1;
- (l) the envelope contained within (Parcel 2) Lot 104 must be amended to allow for a minimum of 2 hours of sunlight to the living room windows and private open spaces to at least 50 apartments in the affected (Tiara) building at 788-822 Bourke Street (also referred to as 806 Bourke Street), between the hours of 9am and 3pm at midwinter, in accordance with the design guidance to ADG objective 3B-2 and the design criteria to ADG objective 4A-1.

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the commencement of any competitive design process for the site.

(84) MATTERS NOT APPROVED

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

- (a) any excavation (other than excavation that is part of the approved remediation works) and/or construction;
- (b) the final location of the substation to be contained within the new north-western (Parcel 1) Lot 1;
- (c) the layout and number of residential apartments or non-residential tenancies;
- (d) the vehicle access location/crossover to the new south-western (Parcel 4) Lot 2 from Young Street;
- (e) basements and/or configuration of car parking;
- (f) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (g) the precise quantum of floor space; and
- (h) up to 10% design excellence uplift in building height.

(85) 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.

(86) COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be:

- (a) conducted in accordance with 'Design Excellence Strategy for 881-887 Bourke Street and 207-231 Young Street Waterloo, dated 19 April 2021, prepared by Ethos Urban on behalf of Jeffman Pty Ltd and Red Breast Pty Ltd.
- (b) conducted prior to the lodgement of any subsequent DA for the detailed design of a building on the site.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

(87) BUILDING HEIGHT

- (a) The height of the building must not exceed the heights expressed as RLs (AHD) shown on drawing number: MP-300-100, H, titled: Stage 1 DA: Concept Envelopes Building Envelope Plan (Stage 1 and 2), and as modified by the DESIGN MODIFICATIONS – ENVELOPE DRAWINGS condition above.
- (b) Notwithstanding clause (a) above, the proposal may be eligible for up to 10% additional building height pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) The utilisation of additional building height, sought in accordance with (b) above, must not contravene the Solar Access Requirements of the DETAILED DESIGN OF BUILDINGS condition imposed to retain solar access to apartments in the buildings at 1 Danks Street (Warehouse 1) and 788-822 Bourke Street (Tiara) and should be guided by the information submitted as part of DA No. D/2020/45 dated 21 January 2020, including the following drawings prepared by TURNER and which otherwise seek to minimise overshadowing of adjacent residential properties:

Drawing Number	Drawing Name	Date
MP-200-005, B	b. Concept Envelopes +10% height and Floor Space Allocation DCP +10% Solar Access to Neighbours	23.04.21

Drawing Number	Drawing Name	Date
MP-200-006, B	b. Concept Envelopes +10% height and Floor Space Allocation DCP +10% Solar Access to Neighbours	23.04.21
MP-200-100, D	b. Concept Envelopes +10% height and Floor Space Allocation Building Envelope Plan (Stage 1 and 2)	23.04.21
MP-200-201, E	b. Concept Envelopes +10% height and Floor Space Allocation Danks Street – North Elevation	23.04.21
MP-200-202, E	b. Concept Envelopes +10% height and Floor Space Allocation Bourke Street – East Elevation	23.04.21
MP-200-203, E	b. Concept Envelopes +10% height and Floor Space Allocation Young Street – West Elevation	23.04.21
MP-200-204, E	b. Concept Envelopes +10% height and Floor Space Allocation Young Street – North Elevation	23.04.21
MP-200-205, E	b. Concept Envelopes +10% height and Floor Space Allocation New Road 1 – South Elevation	23.04.21
MP-200-206, E	b. Concept Envelopes +10% height and Floor Space Allocation Subject Site – South Elevation	23.04.21
MP-200-300, D	b. Concept Envelopes +10% height and Floor Space Allocation LEP +10% Height Plane	23.04.21

- (d) To be clear, this condition does not restrict development comprising building height:

- (i) proposed or erected by or on behalf of a public authority on land identified in the Voluntary Planning Agreement for transfer (and/or dedication) for the purpose of public amenities such as toilets, playground equipment, street furniture, street lighting, landscape structures or the like, in the new park, streets and through site link;
- (ii) located in the ground level courtyards and communal open space areas of the approved development parcels for the purpose of landscape structures and communal facilities that do not comprise floor space (or GFA) and do not compromise deep soil provision;
- (iii) located in landscape setback areas of the approved development parcels for the purpose of landscape structures that do not comprise floor space (or GFA) and do not compromise deep soil provision.

(88) ALLOCATION OF FLOOR SPACE

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) In accordance with (a) above, the maximum permissible GFA is to be apportioned to the approved development parcels set out in the approved:
 - (i) Plans of Proposed Subdivision, prepared by geosurv, titled Phase 1 and Phase 2, and dated 19.05.2021;
 - (ii) drawing number: MP-300-100, H, prepared by TURNER; titled: Stage 1 DA: Concept Envelopes Building Envelope Plan (Stage 1 and 2); dated: 23.04.21; and in accordance with the following table:

Development Lot	Maximum Permissible GFA (sqm)
(Parcel 1) Lot 1	18,223
(Parcel 4) Lot 2	5,924
(Parcel 3) Lot 103	8,550
(Parcel 2) Lot 104	8,627

- (b) The Design Excellence Strategy approved by the COMPETITIVE DESIGN PROCESS condition above sets out the development parcels that comprise each competitive design process phase.
- (c) Floor space (or GFA) is not transferrable between development parcels or competitive design process phases. If a development parcel within a competitive process phase is not able to accommodate the full amount of floor space (or GFA) apportioned to it, the remaining balance of floor space (or GFA) cannot be transferred to another development parcel set out in (a).

- (d) To be clear, this condition does not restrict development comprising floor space or GFA by or on behalf of a public authority on land identified in the Voluntary Planning Agreement for transfer (and/or dedication) for the purpose of public amenities such as toilets or other facilities in the new park.

(89) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPES

The approved concept envelopes establish the maximum parameters for the future competitive design process(es) and built form on the site. The detailed building designs must not occupy the entirety of the concept envelopes. The maximum permissible floor space of the detailed building designs must be consistent with the relevant provisions of the Sydney LEP 2012, the Apartment Design Guide, the Sydney DCP 2012 and the conditions of this consent.

(90) DETAILED DESIGN OF BUILDINGS

The design briefs for the competitive design processes and the building designs submitted as part of any subsequent DAs for the detailed design of buildings, must address the following design requirements:

General requirements applicable to all buildings within all development parcels

- (a) Flood Planning Levels (FPLs) are to be integrated to provide inclusive accessible entries to buildings and active frontages in the locations prescribed by the Sydney DCP 2012;
 - (b) permeability of the ground plane for pedestrians is to be maximised to improve residential amenity;
 - (c) buildings with ground level residential uses must:
 - (i) provide individual entries directly from the street to any ground level dwellings adjacent to the street;
 - (ii) provide suitable setbacks, private open space, landscaping and a ground floor level raised above that of the street to provide privacy, a suitable address and passive surveillance opportunities to and from the public domain;
 - (d) the design and location of waste collection points and loading areas are to be in accordance with the requirements of provision 3.11.13 of the Sydney DCP 2012. Particularly, vehicle access for collection and loading must provide for:
 - (i) a 9.25m Council garbage truck and a small rigid delivery vehicle; and
 - (ii) minimum vertical clearance of 4 metres, clear of all ducts, pipes and other services;
- Note: also refer to the WASTE AND RECYCLING MANAGEMENT condition in this consent below.
- (e) deep soil must be provided in accordance with the DEEP SOIL condition below;

- (f) building facades are to:
 - (i) incorporate a variety of materials and textures;
 - (ii) are to provide a sympathetic response to existing buildings in the area, particularly if they make a positive contribution to the streetscape;
 - (iii) use bricks similar to those utilised in significant buildings in the area of Green Square;
- (g) buildings that are located adjacent to or opposite to one another are not to be of the same or similar design;
- (h) for the purposes of this consent only and to clarify how provision 5.9.3.5 of the Sydney DCP 2012 is to be applied:
 - (i) the 2m deep soil zone required to be provided within private yards of ground level apartments fronting landscape setbacks may be incorporated into and counted towards the provision of landscape setbacks in accordance with this provision. But only in those instances where the specified landscape setback is required to provide a minimum width of 4m or more;
 - (ii) any fencing of private yards within 4m landscaped setbacks is to be designed to be amongst landscaping to minimise the visible appearance of hard fencing;
 - (iii) deep soil zones within private yards of ground level apartments fronting landscape setbacks cannot be incorporated into and counted towards providing landscape setbacks in those locations where only a 2m landscape setback is required;
- (i) for the purposes of this consent only and to clarify how the various planning controls that regulate height, including provision 5.9.4.10 of the Sydney DCP 2012, is to be applied:
 - (i) all floor space identified as being permissible within attic levels in Figure 5.209 Danks Street South Indicative Form, are attic levels as conceived in the Apartment Design Guide and illustrated in Figures 4C.1 (mezzanine levels in double storey apartments) and 4C.2 (attic levels) of the Apartment Design Guide;
 - (ii) any floor space provided in an attic level is to have a maximum coverage of 50% of the floor below and is to be set back a minimum of 3m from the edge of the floor below in accordance with DCP provision 5.9.4.10 and to satisfy DCP objective 5.9.4 (n) which is to reduce the visibility of attics from the street;
- (j) plant and lift overruns are to be incorporated within the roof form;

Building contained within (Parcel 1) Lot 1

- (k) A footpath awning is to be provided to the eastern facade to the through site link in accordance with the design requirements of provision 3.2.4 of the Sydney DCP 2012;

- (l) building elevations to Young Street and the new east-west street are to be broken into two or more buildings that present different architectural characters to the public domain in accordance with the design requirements of provision 4.2.4 of the Sydney DCP 2012. Including that these 'broken down' buildings are to be articulated into smaller elements and are to be separated by full height breaks in accordance with the separation, visual and acoustic privacy objectives of the Apartment Design Guide;
- (m) articulation and design of the building elevation facing the new east-west street is to respond to the rhythm of the varied building alignment and landscaping within this setback;
- (n) designs must address the visual and acoustic privacy objectives 3F and 4H of the Apartment Design Guide as it pertains to buildings opposite the subject envelope's eastern elevation to the through site link. This is notwithstanding any potential non-compliances with the Apartment Design Guide's separation requirements that may arise from the approved upper level pop-out element to the through site link and the related design requirements for the building contained within (Parcel 2) Lot 104 below;
- (o) the detailed building design is to provide a sympathetic response to adjacent buildings on Danks Street, particularly the property at 1 Danks Street and other buildings that have frontages to the through site link. The building design is to provide a suitable response to the transition in street frontage heights at these interfaces;
- (p) Solar Access Requirements – the detailed design of the building must allow for a minimum of 2 hours of sunlight to the living room windows and private open spaces to at least 9 apartments in the (Warehouse 1) building at 1 Danks Street, between the hours of 9am and 3pm at midwinter, in accordance with the design guidance to ADG objective 3B-2 and the design criteria to ADG objective 4A-1.

Note: massing enabled by the 10% design excellence height uplift cannot be achieved on those parts of (Parcel 1) Lot 1, where it would cause overshadowing to the relevant apartments in the (Warehouse 1) building at 1 Danks Street in contravention of this condition.

Building contained within (Parcel 4) Lot 2

- (q) various configurations of common open space are to be investigated to maximise the provision of common open space to satisfy ADG objective 3D-1;
- (r) generous floor to ceiling heights of 3.3m or greater are to be provided at the ground floor level;
- (s) articulation and design of the building elevation facing the new east-west street is to respond to the rhythm of the varied building setback and the achievement of carefully designed landscaping within this setback;
- (t) vehicle access is to be provided from Young Street in a location that minimises adverse impacts upon existing trees to be retained. The vehicle access location is to be provided in accordance with the recommendations contained in the arborist's report approved in accordance with the

ABORICULTURAL IMPACT ASSESSMENT REPORT, TREES
APPROVED FOR REMOVAL and TREES THAT MUST BE RETAINED
conditions in this consent;

Building contained within (Parcel 3) Lot 103

- (u) A footpath awning is to be provided in the active frontage locations prescribed by the Sydney DCP 2012, to Bourke Street and the new east-west street in accordance with the design requirements of provision 3.2.4 of the Sydney DCP 2012;
- (v) the building elevation to the new east-west street is to be broken into two or more buildings that present different architectural characters to the public domain in accordance with the design requirements of provision 4.2.4 of the Sydney DCP 2012. Including that these 'broken down' buildings are to be articulated into smaller elements and are to be separated by full height breaks in accordance with the separation, visual and acoustic privacy objectives of the Apartment Design Guide;
- (w) articulation and design of the building elevation facing the new east-west street is to respond to the rhythm of the varied building setback and the achievement of carefully designed landscaping within this setback;
- (x) the building's western elevation, massing and form to the future shared way is to be separated by a full height break from the building approved on the City West Housing site (by consent no. D/2015/941) adjacent to the south. Separation is to be provided in accordance with the separation, visual and acoustic privacy objectives of the Apartment Design Guide and the setback requirements of the DCP. This full height break is to provide physical and visual connections from the street to the internal courtyard space and is to promote daylight access as well as circulation of air into the site;
- (y) vehicle access/crossovers to the new east-west street are to be designed to address the city's public domain design, while minimising adverse urban design impacts of vehicle access upon the development and the public domain. Detailed design of vehicle access/crossovers to the new east-west street is to be finalised in consultation with the city's public domain design team and is to be documented in any subsequent DA for the detailed design of the building;
- (z) traffic management measures, such as internal traffic light systems, are to be implemented to prevent collisions as large vehicles pass each other on driveways as they enter or exit the site. Details of such measures are to be documented in any subsequent DA for the detailed design of the building;
- (aa) the detailed building design is to provide a sympathetic response to adjacent properties on Bourke Street (including its western frontage to the future shared way), particularly the development approved by D/2015/941 on the City West Housing site. The building design is to provide a suitable response to the transition in street frontage heights at these interfaces;

Building contained within (Parcel 2) Lot 104

- (bb) A footpath awning is to be provided in the active frontage locations prescribed by the Sydney DCP 2012, to Bourke Street, the new east-west

street and the through site link in accordance with the design requirements of provision 3.2.4 of the Sydney DCP 2012;

- (cc) the building elevation to the new east-west street is to be broken into two or more buildings that present different architectural characters to the public domain in accordance with the design requirements of provision 4.2.4 of the Sydney DCP 2012. Including that these 'broken down' buildings are to be articulated into smaller elements and are to be separated by full height breaks in accordance with the separation, visual and acoustic privacy objectives of the Apartment Design Guide;
- (dd) articulation and design of the building elevation facing the new east-west street is to respond to the rhythm of the varied building setback and the achievement of carefully designed landscaping within this setback;
- (ee) competitors are to consider an upper level encroachment into the 2.5m setback from the through site link, similar to the 'pop-out' element approved for the envelope on the opposite side of the through site link [to the eastern elevation of the envelope contained within (Parcel 1) Lot 1]. The objective of this requirement is to achieve some degree of volumetric symmetry to opposing buildings fronting the through site link (while acknowledging that the two buildings fronting the through site link will be of different heights). Designs must also address the visual and acoustic privacy objectives 3F and 4H of the Apartment Design Guide for these facing building elevations notwithstanding any potential non-compliances with the ADG's recommended numerical separation requirements that may arise;
- (ff) vehicle access/crossovers to the new east-west street are to be designed to address the city's public domain design, while minimising adverse urban design impacts of vehicle access upon the development and the public domain. Detailed design of vehicle access/crossovers to the new east-west street is to be finalised in consultation with the city's public domain design team and is to be documented in any subsequent DA for the detailed design of the building;
- (gg) traffic management measures, such as internal traffic light systems, are to be implemented to prevent collisions as large vehicles pass each other on driveways as they enter or exit the site. Details of such measures are to be documented in any subsequent DA for the detailed design of the building;
- (hh) the detailed building design is to provide a sympathetic response to adjacent buildings on Bourke Street, including 21-25 Danks Street, and other buildings that have frontages to the through site link. The building design is to provide a suitable response to the transition in street frontage heights at these interfaces;
- (ii) Solar Access Requirements – the detailed design of the building must allow for a minimum of 2 hours of sunlight to the living room windows and private open spaces to at least 50 apartments in the affected (Tiara) building at 788-822 Bourke Street (also referred to as 806 Bourke Street), between the hours of 9am and 3pm at midwinter, in accordance with the design guidance to ADG objective 3B-2 and the design criteria to ADG objective 4A-1.

Note: massing enabled by the 10% design excellence height uplift cannot be achieved on those parts of (Parcel 2) Lot 104, where it would cause

overshadowing to the relevant apartments in the (Tiara) building at 788-822 Bourke Street (also referred to as 806 Bourke Street) in contravention of this condition.

(91) DEEP SOIL

Deep soil must be provided in accordance with the approved drawing: 13075-MP-300-100[H] - Stage 1 DA: Concept Envelopes Building Envelope Plan (Stage 1 and 2), dated 23 April 2021, prepared by Turner. Deep soil zones must be unencumbered by structures within, above or below the zone and where it is relevant, must be constructed in accordance with the Remedial Action Plan prepared by Senversa, dated 26 February 2021, reference number S17025_028_rpt rev2 rap and Section B Site Audit Statement, Andrew Kohlrusch of GHD Environmental, dated 5 March 2021.

(92) LANDSCAPE STRATEGY

- (a) Prior to the commencement of a competitive design process for a development parcel or parcels, a high-level landscape strategy is to be submitted to and approved by Council's Area Planning Manager / Coordinator for the relevant development parcel or parcels.
- (b) The landscape strategy should incorporate the following:
 - (i) a drawing of the development parcel, in plan. The drawing must:
 - a. illustrate the envelope footprint, as approved by this consent;
 - b. illustrate and note the dimensions of any deep soil zone contained within the development parcel, as approved by this consent;
 - c. illustrate and note the dimensions of any building, landscape and public domain (i.e. footpath widenings on Bourke Street) setbacks;
 - d. illustrate the location and tree number (as per the report approved in accordance with the [TREE MANAGEMENT CONDITION] condition of this consent) of trees to be retained or removed in accordance with [TREE MANAGEMENT] conditions of this consent;
 - (iii) note that tree canopy cover is to be provided to 15% of the area of the development parcel (in accordance with provision 3.5.2 of the Sydney DCP 2012) and identify opportunities for any additional tree plantings required to achieve this target;
 - (iv) images of the desired character of landscaped areas identified in the landscape strategy;
- (c) The landscape strategy as approved in accordance with (a) above is to be appended to any competitive design process brief for the relevant development parcel.

(93) DETAILED LANDSCAPE PLAN

- (a) Any subsequent DAs for the detailed design of buildings must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer.
- (b) The detailed landscape plan must address the requirements of provision 4.2.3.5 of the Sydney DCP 2012 and the relevant guidance provided in the City of Sydney Landscape Code, Volume 2, All Development Except Single Dwellings.

(94) PUBLIC ART

- (a) A Preliminary Public Art Plan must be prepared in consultation with the city's Public Art Officers and in accordance with the City's Guidelines for Public Art in Private Development and submitted as part of any subsequent DA for detailed building design.
- (b) The Preliminary Public Art Plan must be prepared by appropriately qualified Public Art and Indigenous Cultural consultants experienced in the integration of public art and social art practices.
- (c) The Preliminary Public Art Plan must address the themes and project ideas in the Open Field Public Domain and Public Art Strategy referred to in the Sydney DCP 2012 and the city's Danks Street South Precinct Open Space Concept Design.
- (d) In accordance with (a) above, any Preliminary Public Art Plan must document pre-DA lodgement consultations that have occurred with the city's Public Art Officers and which have informed the Preliminary Public Art Plan.

(95) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with any subsequent DA for the detailed design of a building contained within the site to confirm that the building has adopted the following ESD targets reflected in the Design Excellence Strategy referred to in the COMPETITIVE DESIGN PROCESS condition above:

- (a) BASIX Energy 50 for residential buildings below 6 storeys;
- (b) BASIX Energy 40 for residential buildings above 6 storeys;
- (c) BASIX Water 45 for all residential development;
- (d) 5.5 stars NABERS Energy rating for any commercial office premises with a net lettable area of 1,000sqm or more; and
- (e) Roof-top solar PV systems equal to or greater 0.5 kWp per dwelling.

ESD targets and initiatives will be carried through the competitive design process phase, design development and construction, to completion of the project to deliver an exemplar of environmentally sustainable development.

(96) BASIX CERTIFICATES

A BASIX certificate must be submitted with any subsequent DA for the detailed design of buildings in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

(97) HERITAGE INTERPRETATION PLAN

- (a) Prior to the commencement of any demolition works, issue of a demolition approval or issue of a Subdivision Works Certificate pertaining to the buildings at 887-893 Bourke Street, whichever is the earlier, a suitably qualified and experienced heritage practitioner or historian is to be engaged to prepare a heritage interpretation plan. Evidence of this engagement is to be provided to Council's Area Planning Manager within two weeks of any related contracts being signed.
- (b) An interpretation plan for the 887-893 Bourke Street building must be submitted as part of any subsequent DAs for the detailed design of buildings contained within development parcels (Parcel 2 or Parcel 3) comprising Lots 104 and 103.
- (c) The interpretation plan must detail how information on the history and significance of the 887-893 Bourke Street building will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (d) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

(98) HISTORIC MARKER

A plaque of high-quality material (e.g. bronze or stainless steel) describing the history of the buildings contained within the property at 887-893 Bourke Street, must be installed in a prominent location on the site where the demolished building was located. The design, location and wording of the marker is to be incorporated into the heritage interpretation plan as required by the HERITAGE INTERPRETATION PLAN condition in this consent.

(99) SIGNAGE STRATEGY

A detailed signage strategy must be submitted with any subsequent DAs for the detailed design of mixed-use buildings. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(100) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the DESIGN MODIFICATIONS – ENVELOPE DRAWINGS condition above) must be submitted to and approved by Council's City Model officers.

- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) envelope design above in accordance with the development consent;
 - (ii) 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.

(101) INFORMATION FOR THE PURPOSE OF CALCULATING SECTION 7.11 AND AFFORDABLE HOUSING CONTRIBUTIONS

Any subsequent DAs for the detailed design of buildings must include the following information:

- (a) Gross floor area (GFA) schedules and diagrams for the existing and proposed development for the purposes of calculating section 7.11 contributions and credits;
- (b) Total floor area (TFA) schedules and diagrams for the proposed development for the purposes of calculating affordable housing contributions. Note: TFA is defined at clause 7.13 of the Sydney Local Environmental Plan 2012.

(102) ACOUSTIC REPORT

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent DA for the detailed design of the building in accordance with the provisions of the *Sydney Local Environmental Plan 2012*, *Sydney Development Control Plan 2012*, the NSW Government's *Development near Rail Corridors and Busy Roads - Interim Guideline* and the *State Environmental Planning Policy (Infrastructure) 2007*.

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

Any subsequent DAs for the detailed design of buildings must include a site-specific demolition, excavation and construction noise and vibration management plan.

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.

(104) LAND CONTAMINATION

Any subsequent DAs for the detailed design of buildings must include reports and documentation to address the requirements of State Environmental Planning Policy No 55—Remediation of Land.

(105) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

Detailed building designs must provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(106) ADAPTABLE HOUSING

Subsequent DAs for the detailed design of buildings are to provide the required numbers of residential units that are able to be adapted for people with a disability in accordance with provision 3.12.2 of the Sydney DCP 2012, the Building Code of Australia and Australian Standard AS4299.

(107) WIND TUNNEL TESTING

Any subsequent DAs for the detailed design of buildings must include a wind testing report in accordance with the requirements contained in provision 5.9.4.15 of the Sydney DCP 2012.

The detailed design scheme submitted as part of any such detailed design DA must incorporate the recommendations of the wind report to achieve the wind standards specified in the DCP.

(108) WASTE AND RECYCLING MANAGEMENT

- (a) Prior to the commencement of any competitive design process a high-level Waste and Recycling Management Report is to be prepared in accordance with the Council's *Guidelines for Waste Management in New Developments 2018* and submitted to and approved by Council's Area Planning Manager / Coordinator. Once approved the report may be appended to any relevant competitive design process brief. The report must address the following matters:
 - (i) the spatial requirements for residential waste storage and collection areas, including bulky waste, the number and size of bins, based on once-weekly residential waste and recycling collections;
 - (ii) the spatial requirements for commercial waste and collection areas, including bulky waste, the number and size of bins, based on three-times-weekly commercial waste and recycling collections;
 - (iii) generation rates for waste stream calculations and used to inform the spatial allocations referred to above are to be appended to the report;
 - (iv) the spatial allocations referred to above are to account for provision of 50mm between each bin to allow for access/manoeuvrability between bins and provisions for disability access should be considered (i.e. 1500mm isle width between bin rows);
 - (v) the spatial allocations referred to above are to account for a maximum travel distance between storage and collection points for all waste and recycling bins and bulky waste of no more than 10m;
 - (vi) the spatial allocations referred to above are to account for provision of chute systems within a chute room on every residential floor. Chute

rooms must be accessible and large enough to contain 1 spare MGB for waste and recycling in case of chute failure.

- (b) A Waste and Recycling Management Plan prepared in accordance with the Council's *Guidelines for Waste Management in New Developments 2018* must be submitted as part of any subsequent DAs for the detailed design of buildings.

PUBLIC DOMAIN

(109) PUBLIC DOMAIN AND FUTURE PUBLIC DOMAIN CONCEPT PLAN

A concept public domain and future public domain (subdivision works) plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the middle of the road, must be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Street Code*. These plans must be submitted to and approved by Council's Public Domain Unit as part of any subsequent DAs for the detailed design of buildings adjacent to the public domain. The plan must include (where relevant) all existing and proposed paving materials, locations of street trees, site furniture, light poles, signage and other public domain elements.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed documentation for construction).

(110) PUBLIC DOMAIN LEVELS AND GRADIENTS

A Public Domain Levels and Gradients submission for the building and its existing and future frontages to the public domain must be submitted to and approved by the City's Public Domain Unit as part of any subsequent DAs for the detailed design of buildings adjacent to the public domain. The submission must be prepared in accordance with the City's *Public Domain Manual* and include a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradients plans are to be included with Public Domain Plan – Detailed Documentation for Construction Condition submission.

(111) FLOOD PLANNING LEVELS

The development must be designed to comply with the recommended flood planning levels indicated in the Danks Street South Precinct Integrated Streetscape Concept Design prepared by Northrop dated April 2020.

Note: Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building works approved under any subsequent DAs for the detailed design of buildings.

(112) PUBLIC DOMAIN LIGHTING UPGRADE

- (a) A concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted as part of any subsequent DAs for the detailed design of buildings that are adjacent to any existing or future public domain areas. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>.
- (b) The lighting upgrade plan must be designed to address the following requirements:
 - (i) Bourke St: - to comply with V3 lighting category;
 - (ii) Young & Danks St: - comply with PR1 lighting category.
- (c) Advice on site specific lighting requirements must be obtained from Council's Public Domain Manager before proceeding with the preparation of any final lighting design proposals.

(113) STREET TREES AND DETAILED DESIGN APPLICATIONS

- (a) Documentation submitted as part of any subsequent DAs for the detailed design of buildings must incorporate details of all street trees that are not approved for removal by this development consent.
- (b) Any design elements (awnings, facade elements, street furniture, footpath upgrades etc) within the public domain must ensure appropriate setbacks are provided from the relevant street trees to allow maturity of the tree to be achieved.
- (c) The design and final location of any new driveways must provide for the retention of all street trees that are not approved for removal by this development consent. Driveways must be appropriately setback so as to avoid having any adverse impacts upon these street trees both above and below ground.

SUBDIVISION AND SURVEY REQUIREMENTS

(114) RESTRICTION ON RESIDENTIAL DEVELOPMENT

A documentary Restriction on the Use of Land is to be created over any future strata subdivisions of the subject lots that include residential components, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to Council, in terms to the satisfaction of Council, requiring the residential apartments to be used for permanent residential accommodation only and not for the purpose of short term rental accommodation such as hotel, serviced apartments, boarding house, tourist and back-packer accommodation, with the Council being the authority to release, vary or modify the restriction.

(115) RESTRICTION ON USE OF CAR SPACES – RESIDENTIAL AND COMMERCIAL CAR PARKING

A documentary Restriction on Use of Land is to be created over any future strata subdivisions of the subject lots, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to Council, in terms to the satisfaction of Council, requiring the on-site car parking spaces, exclusive of service car spaces and visitor parking, not to be used other than by an occupant, tenant or visitor to the commercial lot within the building, with the Council being the authority to release, vary or modify the restriction. The restriction on the use of land shall also prevent the storage of items in all commercial car parking spaces.

(116) PARKING ON COMMON PROPERTY AREAS

No part of any common driveway areas, 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. Any future strata subdivision of the buildings 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.

(117) STRATA TITLE PARKING SPACES

All parking spaces other than visitor parking or service spaces must form part of a residential or commercial strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

(118) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of structures to be approved under any subsequent DAs for the detailed design of buildings shall encroach onto the adjoining properties.

(119) ENCROACHMENTS – PUBLIC WAY

No portion of structures to be approved under any subsequent DAs for the detailed design of buildings, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

TRAFFIC AND TRANSPORT

(120) SWEEP PATH ANALYSIS

A swept path analysis is to be undertaken to show how the largest service vehicles can enter and exit the new development parcels. These will be used to determine the largest vehicle permitted to service the site and the width of the driveway crossing.

The swept path analysis, along with suitable amended design drawings, must be submitted as part of any subsequent DAs for the detailed design of buildings.

(121) BICYCLE PARKING AND END OF TRIP FACILITIES

Any subsequent DAs for the detailed design of buildings must include a Bicycle Parking Plan and End of Trip Facilities design that comply with the minimum requirements of:

- (a) Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities;
- (b) Austroads Bicycle Parking Facilities: Guidelines for Design and Installation';
and
- (c) provision 3.11.3 of the Sydney DCP 2012.

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.

SCHEDULE 1C - AUSGRID CONDITIONS

PROXIMITY TO EXISTING NETWORK ASSETS

(122) OVERHEAD POWERLINES

There are existing overhead electricity network assets in Danks St, Young St and Bourke 51. Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(123) UNDERGROUND CABLES

There are existing underground electricity network assets in Danks St, Young St, Bourke St and within the Development Site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(124) SUBSTATION

There are existing electricity substation assets within the Development Site.

The existing electricity Ground substation may be impacted by the proposed construction. This type of building is susceptible to damage from subsidence or vibration due to nearby excavation or piling, and also due to building materials and machinery coming into contact with the facade of the building. The use of ground anchors under a substation building is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ - 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

Please do not hesitate to contact Sreenivasa Rao Ella on Ph: (02) 9394 6932 (please quote our ref: Trim 2017/40/247) should you require any further information.

SCHEDULE 1D – TRANSPORT FOR NSW (TfNSW) CONDITIONS

TfNSW has reviewed the submitted information and provides agreement 'in-principle' under Section 87 of the Roads Act 1993, subject to a detailed design review and TfNSW approval of the proposed traffic signal plan and the following requirements being included in any determination issued by Council:

1. The proposed design of the traffic control signal (TCS) at the intersection of Bourke Street and Potter Street shall be designed to meet TfNSW requirements. The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements. The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (ONAD) for the abovementioned works.

2. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. The detailed design plans submitted must show all existing public utilities impacted by the proposed works and their adjustments.
3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
4. A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW Sydney Coordination Office (SCO) and Sydney City Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.
5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/securityloplincLogin.jsf>

SCHEDULE 2

PRESCRIBED CONDITIONS

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

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

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

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by *Water NSW* are as follows:

Reference Number:	IDAS1125022
Issue Date of GTA:	29 October 2020
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	207-229 Young Street Waterloo, 881-885 Bourke Street Waterloo & 887-893 Bourke Street Waterloo
DA number:	D/2020/45
LGA:	City of Sydney Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	Dewatering
GT0062-00001	Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
GT0063-00001	An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
GT0064-00001	An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
GT0065-00001	The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.

Condition Number	Details
GT0066-00001	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 fully 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.
GT0067-00001	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 part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
GT0068-00001	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.
GT0069-00001	The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
GT0070-00001	Measurement and monitoring arrangements to the satisfaction of WaterNSW 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.
GT0071-00001	Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW 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. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifers settled groundwater condition and a comparison to the baseline conditions; and d. 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.

Condition Number	Details
GT0082-00001	The Department of Planning, Industry and Environment & Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
GT0084-00001	All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
GT0085-00001	At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
GT0086-00001	At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
GT0088-00001	All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (tabulated and raw corrected data) to the Department of Planning, Industry and Environment & Water.
GT0098-00001	A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided to enable the Department of Planning Industry and Environment to carry out the assessment that includes, but is not limited to, the following: a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description: i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one-kilometre radius of the subject site iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy: i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling ii. Corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts iii.

Condition Number	Details
	<p>construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping) v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground). c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review: i. collation of monitoring records, ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed, iii. Magnitude and extent of potential long-term effects from the completed structure iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan: i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements</p>

SCHEDULE

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2020/45 as provided by Council:

- Senversa - Groundwater Report -207-229 Young Street, 881-885 and 887-893 Bourke St Waterloo- D/2020/45
- Prepared for Jeffman Ply Ltd
- Edgecliff NSW 28 July 2020