

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

2013

SCHEDULE 1

Application No.:

SSD-5708

Applicant:

City West Housing Pty Ltd

Consent Authority:

Minister for Planning and Infrastructure

Land:

Lot 3 - DP 1175706

Development:

Construction of a part six (6), part seven (7) storey plus basement, residential flat building to be used for affordable housing for 88 apartments and 39 car spaces and landscaping and associated site works

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	City West Housing Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement prepared by Architectus, dated April 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PCA	Principal Certifying Authority
RTS	Response to Submissions report prepared by Architectus, dated July 2013
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Lot 3 DP 1175706
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.

SCHEDULE 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Development Description

- A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

Development in Accordance with Plans and Documents

- A2 The Applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement prepared by Architectus, dated April 2013;
 - b) Response to Submissions, prepared by Architectus, dated July 2013; and
 - c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural drawings prepared by Architectus			
Drawing No.	Revision	Name of Plan	Date
DA00 – 001	C	Survey plan & Infrastructure Works	19/08/13
DA00 – 002	C	2008 Concept Plan Approved use & Envelopes	19/08/13
DA00 – 003	C	Site Plan	19/08/13
DA00 – 004	C	Site Plan Analysis	19/08/13
DA01 - 001	C	Basement Plan	19/08/13
DA01 - 002	D	Ground floor	19/08/13
DA01 - 003	C	Level 1	19/08/13
DA01 - 004	D	Level 2	19/08/13
DA01 - 005	D	Level 3	19/08/13
DA01 - 006	D	Level 4	19/08/13
DA01 - 007	D	Level 5	19/08/13
DA01 - 008	C	Level 6	19/08/13
DA01 - 009	C	Roof Plan	19/08/13
DA01 - 010	D	Gross Floor Area	19/08/13
DA02 - 001	D	North Elevation	19/08/13
DA02 - 002	D	South Elevation	19/08/13
DA02 - 003	D	East Elevation	19/08/13
DA02 - 004	D	West Elevation	19/08/13
DA02 – 005	D	Context Elevation & Section	19/08/13
DA03 – 001	D	Longitudinal Section	19/08/13
DA03 – 002	D	Cross Section B – B	19/08/13
DA03 – 003	D	Cross Section C – C	19/08/13

Architectural drawings prepared by Architectus			
Drawing No.	Revision	Name of Plan	Date
DA09 – 015	C	Adaptable Units (Type K)	19/08/13
DA09 – 016	C	Adaptable Units (Type F)	19/08/13
DA09 - 017	C	Adaptable Units (Type C)	19/08/13
Landscape drawings prepared by Arcadia			
Drawing No.	Revision	Name of Plan	Date
13_108_DA_01	A	Site Context	25/03/2013
13_108_DA_02	A	Concept Diagrams	25/03/2013
13_108_DA_03	A	Materials Strategy	25/03/2013
13_108_DA_04	A	Planting Strategy	25/03/2013
13_108_DA_05	A	Landscape Precedents	25/03/2013
13_108_DA_06	A	Ground floor landscape design	25/03/2013
13_108_DA_07	A	Roof terrace landscape design	25/03/2013
13_108_DA_08	A	Landscape Sections	25/03/2013
13_108_DA_09	A	Indicative Planting Palette	25/03/2013
13_108_DA_10	A	Indicative Planting Palette	25/03/2013
13_108_DA_11	A	Landscape Ground Floor	25/03/2013
13_108_DA_12	A	Landscape Roof Terrace	25/03/2013
13_108_DA_13	A	Landscape Details and Specifications	25/03/2013

Inconsistency between documents

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Lapsing of approval

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed Conditions

- A5 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Director - General as Moderator

- A6 Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- A7 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Minor Variations

- A8 Minor variations are considered to be generally consistent with the plans approved in Condition A2 if they are approved in advance in writing by the Director-General or his nominee.

Legal notices

- A9 Any advice or notice to the consent authority shall be served on the Director-General.

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B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Reflectivity

- B1 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 percent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for above ground works.

Design Verification Statement – Residential Flat Buildings

- B2 Prior to the issue of a Construction Certificate for above ground works the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

Access for People with Disabilities

- B3 The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and the recommendations of the report of Morris-Goding Consulting (dated 4 April 2013). The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any Construction Certificate drawings.

BASIX Certification

- B4 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos.469854M and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

Pre-Construction Dilapidation Reports

- B5 The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate. A copy of the report is to be forwarded to the Council.

Number of Bicycle Spaces

- B6 A minimum of 88 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the basement car park.

The layout, design and security of bicycle facilities either on-street or offstreet must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- ii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

Car Park and Service Vehicle Layout

B7 A maximum of 39 off-street car parking spaces must be provided, with 36 allocated for use by residents and 3 allocated for visitor parking. Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for the basement car park:

- a) all vehicles should enter and leave the Subject Site in a forward direction;
- b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS2890.6 for accessible spaces;
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- d) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
- e) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTRROADS.

Structural Details

B8 Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:

- a) the relevant clauses of the BCA, and
- b) the development consent.

Mechanical Ventilation

B9 All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Storage and Handling of Waste

B10 Prior to the issue of a relevant construction certificate, the Applicant shall submit to the satisfaction of the Certifying Authority, plans and specifications for the ground floor that demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements to be met, include:

- a) All internal walls of the storage area are rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) Include provision for the separation and storage, in appropriate categories, of material suitable for recycling; and

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- c) include provision for separate storage and collection of organic/food waste.

Footpath Damage Bank Guarantee

- B11 A Footpath Damage Bank Guarantee calculated on the basis of 105 lineal metres of the site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to issue of a Construction Certificate.

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

Sydney Water Notice of Requirements

- B12 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of any Construction Certificate.

- a) The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- b) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Treatment of Vehicular Entry

- B13 In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible and shall be detailed in the building plans and specifications accompanying the relevant Construction Certificate.

Alignment levels

- B14 Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.

The alignment levels, approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

Public Domain Plan

- B15 The Public Domain Plan accompanying this Development Application has not been approved by this consent.

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

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

Public Domain Works – Hold Points and Handover

- B16 Prior to a Construction Certificate being issued for any new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.

Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

Stormwater and Drainage

- B17 On-site detention, treatment and re-use is encouraged. Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by the Certifying Authority. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Waste and Recycling Management

- B18 A Waste Management Plan is to be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

Landscaping of the Site

B19 A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. The plan must include:

- (i) location of existing and proposed structures on the site including existing trees (if applicable) and the proposed podium open space;
- (ii) details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) location, numbers and type of plant species;
- (iv) details of planting procedure and maintenance; and
- (v) details of drainage and watering systems and waterproofing details (as applicable).

Prior to the issue of a Construction Certificate for above ground works, a maintenance plan is to be submitted to and approved by the Certifying Authority.

Acoustic treatments

B20 Prior to the issue of the relevant construction certificate, the Applicant shall submit to the satisfaction of the Certifying Authority drawings which demonstrate that the recommendations of the acoustic assessment prepared by WSP (dated 2013-03-27) will be incorporated into the development.

Wind Impacts

B21 Prior to the issue of the relevant construction certificate, the Applicant shall submit to the satisfaction of the Certifying Authority drawings which demonstrate how the recommendations of the wind report prepared by VIPAC (dated 19 March 2013) will be incorporated into the development.

Site Audit Statement

B22 Prior to issue of any construction certificate, a Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to the Certifying Authority clearly stating that the site is suitable for the proposed use.

C PRIOR TO COMMENCEMENT OF WORKS

Erosion and Sedimentation Control

- C1 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of any works.

Demolition

- C2 The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Notice of Commencement of Works

- C3 The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Subject Site.

Construction Environmental Management Plan

- C4 Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- i) hours of work,
- ii) 24 hour contact details of site manager,
- iii) traffic management, in consultation with the local council,
- iv) construction noise and vibration management, prepared by a suitably qualified person
- v) management of dust to protect the amenity of the neighbourhood
- vi) erosion and sediment control,
- vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site; and
- viii) external lighting in compliance with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

Waste Management Plan during construction

- C5 Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:

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- i) Recycling of demolition materials including concrete; and
 - ii) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works

Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

The Applicant shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.

The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Traffic & Pedestrian Management Plan

- C6 Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan must be prepared in consultation with the Council.
- a) The Plan shall address, but not be limited to, the following matters:
 - i) ingress and egress of vehicles to the Subject Site;
 - ii) loading and unloading, including construction zones;
 - iii) predicted traffic volumes, types and routes; and
 - iv) pedestrian and traffic management methods.
 - b) The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

Utility Services

- C7 Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction.
- C8 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Boundary Peg Out

- C9 Prior to the commencement of works, the Applicant shall peg-out the proposed common boundary with RailCorp's property and/or easement and the affordable housing allotment (being Lot 3 DP 1175706) to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

Inspections of Railcorp Infrastructure and property

- C10 Prior to the commencement of works, on completion of excavation/ground penetration and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during

construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Risk Assessment and Safe Work statement

- C11 Prior to the commencement of works a Final Risk Assessment and/or Construction Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and endorsement. Works shall not commence until written confirmation has been received from RailCorp that this condition has been satisfied.

Stormwater Management Plan

- C12 Prior to the commencement of works a Final Stormwater Management Plan is to be submitted to RailCorp for review and endorsement. Works shall not commence until written confirmation has been received from RailCorp that this condition has been satisfied.

Excavation and Construction documentation

- C13 Prior to commencement of work, the applicant must contact RailCorp to determine, if the following items are to be submitted to them for review and endorsement, prior to the commencement of works:

- Machinery to be used during excavation/construction.
- A monitoring plan that meets the relevant RailCorp Standard detailing the proposed method of track monitoring during excavation and construction phases.
- Any other matter as required by RailCorp in order to protect the rail corridor

Works shall not commence until written confirmation from RailCorp has been received that this condition has been complied with.

Excavation and Construction documentation

- C14 Unless amendments are required by RailCorp, the proposed works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Report prepared by JK Geotechnics dated 13/3/2013 (Ref 26366SB rpt).
- Structural Engineering Report prepared by Entrust Group dated 26/3/2013 - Version B (Ref 4389).
- Noise Assessment prepared by WSP Acoustics dated 27/3/2013 (Ref ACG1301500).
- Electrolysis Report prepared by NPC Engineering Pty Ltd, dated 16/3/2013 (Ref NPC-REP-NERS-R-0001-A).
- Site Management Agreement prepared by City West Housing (Version 4).

Works shall not commence until written confirmation from RailCorp has been received that this condition has been complied with.

D DURING CONSTRUCTION

Hours of Work

D1 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 (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.30am 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 Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Use of Intrusive Appliances – Time Restriction

D2 The operation of high noise intrusive plant and 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:

- 8:00am -12:00pm and 1:00 pm– 4:30pm Mondays to Friday
- 9am – 1pm on Saturdays
- No work is permitted on Sundays or Public Holidays

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'.

All reasonable and feasible steps must be taken to ensure that noise levels from activities conducted on site are kept to a minimum including the adoption of less noise intrusive plant and equipment or technologies.

Erosion and Sediment Control

D3 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

D4 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Approved Plans to be On-site

- D5 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- D6 A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.
- a) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Vibration Criteria

- D7 Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
 - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
 - d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Director-General.

Work Cover Requirements

- D8 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

- D9 The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

- D10 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

- D11 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Vehicle Footway Crossing

- D12 A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

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

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

Access driveways to be Constructed

- D13 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Loading and Unloading during Construction

- D14 The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

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- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

Use of Mobile Cranes

D15 The following requirements apply:

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

Rock anchors/bolts

D16 No rock anchors/bolts are to be installed into RailCorp's property or easements.

Works in vicinity of live electrical equipment

D17 No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

Pollution of railway corridor

D18 During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

Stormwater

D19 Drainage from the development and must be adequately disposed of/managed and not allowed to be discharged into RailCorp's land unless prior approval has been obtained from RailCorp.

Fencing

D20 Fencing along the common boundary shall meet RailCorp's satisfaction. The method of erection of the fencing is to be to the satisfaction of RailCorp prior to the fencing work being undertaken.

E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Design Verification Statement SEPP 65 on completion

- E1 Prior to the issue of any Occupation Certificate, the Applicant shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

Mechanical Ventilation

- E2 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The development consent and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- E3 The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Registration of Easements

- E4 Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Sydney Water Compliance

- E5 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 "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to issue of the occupation certificate .

Post-construction Dilapidation Report

- E6 Prior to the issue of an occupation certificate:
- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This

report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

- b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to the Council.

Fire Safety Certification

- E7 Prior to the issue of an Occupation Certificate a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and council. And prominently displayed in the building

Structural Inspection Certificate

- E8 A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- a) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
 - b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Compliance with BASIX Certificate

- E9 Prior to the issue of the any Occupation Certificate, the applicant shall implement the commitments outlined in the BASIX Certificate 469854M.

Street Numbering

- E10 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to the Council.

Car parking restrictions

- E11 The on-site car parking spaces, are not to be used by those other than an occupant or tenant (or their invitee) of the subject building. In all cases no occupant, tenant or registered proprietor of the Subject Site or part thereof shall enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or registered proprietor of the building.

Intercom for Visitors

- E12 Where a boomgate or barrier control is in place the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, wired to all units (prior to an Occupation Certificate being issued or the use commencing, whichever is earlier).

The intercom must comply with 'Australian Standard AS 1428.2- 1992: Design for access and mobility – Enhance and additional requirements – Building and facilities Sections 22 and 23.

Signage to indicate non participation in Resident Parking Permit Scheme

- E13 Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times.

Signs at Egress

- E14 The following signs must be provided and maintained within the site at the point(s) of vehicular egress:

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

Landscaping of the Site

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

Waste and Recycling Management

- E15 Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

As built drawings – Railcorp land

- E16 Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to RailCorp and Council. Any encroachments into RailCorp's land are to be rectified at the Applicant's cost.

Restriction on Title

- E17 Prior to the issue of an Occupation Certificate the registration of a restriction as to user under Section 88B of the *Conveyancing Act 1919* (or similar restrictive covenant) to the effect that the 88 apartments will be provided as affordable housing in perpetuity.

Public Access

- E18 An Occupation Certificate may not be issued until such time as pedestrians and vehicles are legally able to access a public road from the site. Any access across lands held by another party must be secured by a Right of Way (or similar).

Council access

E19 An Occupation Certificate may not be issued until such time as Council vehicles and staff are legally able to access the site from a public road. Any access across lands held by another party must be secured by a Right of Way (or similar).

Site Travel Plan

E20 A site travel plan (including travel access guide) shall be prepared, in accordance with the recommendation of the Transport Assessment report prepared by ARUP (dated 2 April 2013) prior to issue of an occupation certificate.

Stormwater and Drainage

E21 On-site detention, treatment and re-use is encouraged.

- (a) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to any Occupation Certificate being issued.
- (b) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of compliance with Sydney Water requirements must be submitted to the Accredited Certifier prior to any Occupation Certificate being issued.
- (c) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system. Evidence of the approval being granted must be submitted to the Accredited Certifier prior to any Occupation Certificate being issued.
- (d) A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

F POST OCCUPATION

Unobstructed Driveways and Parking Areas

- F1 All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise Control – Plant and Machinery

- F2 Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the Subject Site.

External Lighting

- F3 External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Travel Access Guide

- F4 All future residents shall be provided with a copy of the Travel Access Guide, prepared as part of the Site Travel Plan (refer to condition G21)

ADVISORY NOTES

AN1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

AN2 Other Approvals and Permits

The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

AN3 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

AN4 Temporary Structures

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

AN5 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you

should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN7 Asbestos Removal

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN8 Site contamination issues during construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.