

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.

**Executive Director
Infrastructure & Industry Assessments**

Sydney

2014

SCHEDULE 1

Application No.:	SSD 6092
Applicant:	Central Park JV No.2
Consent Authority:	Minister for Planning
Land:	Block 8 - Central Park, Chippendale (former Carlton United Brewery site)
Development:	Construction of a 13 storey mixed use building including: • 178 residential apartments; • resident's lounge and gym at ground floor; • communal roof-top terrace; • ground floor retail (135 m² of non-residential floor area); and • three levels of basement with car parking, bicycle parking, end-of-journey facilities and service infrastructure.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Central Park JV No.2 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 A3.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Environment or its successors
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated January 2014
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Principle Certifying Authority/ PCA	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
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
RTS	Response to Submissions report prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2014
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary 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
Subject Site	Block 8 within Central Park (former Carlton United Brewery site)
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
TfNSW	Transport for NSW or its successors
TMC	Traffic Management Centre or its successors

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1** In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

TERMS OF CONSENT

- A2** Except as amended by the conditions of this consent, development consent is granted only to carrying out the development described in Schedule 1 and A3.
- A3** The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6092;
 - b) Environmental Impact Statement prepared by JBA Urban Planning Pty Ltd, dated January 2014;
 - c) Response to Submissions report prepared by JBA Urban Planning Pty Ltd, dated May 2014;
 - d) additional information prepared by JBA Urban Planning dated 19 August 2014, 25 August 2014, 3 September 2014 and 7 October 2014;
 - e) the conditions of this consent; and
 - f) following drawings, except for:
 - i. any modifications which are Exempt or Complying Development;
 - ii. otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Smart Design Studio			
Drawing No.	Revision	Name of Plan	Date
DA:000	D4	Location Plan	21.05.14
DA:001	D4	Site Plan	21.05.14
DA:100	D4	Basement 3 Floor Plan	21.05.14
DA:101	D4	Basement 2 Floor Plan	21.05.14
DA:102	D4	Basement 1 Floor Plan	21.05.14
DA:103	D4	Ground Floor Plan	21.05.14
DA:104	D4	Level 1 Floor Plan	21.05.14
DA:105	D4	Level 2 Floor Plan	21.05.14
DA:106	D4	Level 3-7 Floor Plan	21.05.14
DA:107	D4	Level 8 Floor Plan	21.05.14
DA:108	D4	Level 9 Floor Plan	21.05.14
DA:109	D4	Level 10 Floor Plan	21.05.14
DA:110	D4	Level 11 Floor Plan	21.05.14
DA:111	D4	Level 12 Floor Plan	21.05.14
DA:112	D4	Roof Plan	21.05.14

DA:300	D4	North Elevation (Irving St)	21.05.14
DA:301	D4	South Elevation (O'Connor St)	21.05.14
DA:302	D4	East Elevation (Carlton St)	21.05.14
DA:303	D4	West Elevation (Abercrombie St)	21.05.14
DA:400	D4	Section AA	21.05.14
DA:401	D4	Section BB	21.05.14
DA:550	D4	Adaptable layout 01	21.05.14
DA:551	D4	Adaptable layout 02	21.05.14
DA:552	D4	Adaptable layout 03	21.05.14
DA:553	D4	Adaptable layout 04	21.05.14
DA:554	D4	Adaptable layout 05	21.05.14
DA:555	D4	Adaptable layout 06	21.05.14
DA:556	D4	Adaptable layout 07	21.05.14
DA:557	D4	Adaptable layout 08	21.05.14
DA:558	D4	Adaptable layout 09	21.05.14

- A4** If there is any inconsistency between the plans and documentation referred to above and the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A5** The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

- A6** This consent will lapse five years from the date of this consent unless the works associated with the application have physically commenced.
- A7** This consent does not approve strata / stratum subdivision or retail fit out. Separate approval/s for subdivision and fit-out of the building must be obtained for this development/use, if required by the EP&A Act.

PROVISION OF CHILD CARE SPACES

- A8** Eleven (11) child care spaces generated by Block 8 must be provided for the proposed development in Block 4N and 11. The Applicant shall provide the appropriate number of child care spaces within the design of Block 4N and Block 11.

PRESCRIBED CONDITIONS

- A9** The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

DISPUTE RESOLUTION

- A10** In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development,

either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

LONG SERVICE LEVY

- A11** Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid for work costing \$25,000 or more. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

- A12** Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO A CONSTRUCTION CERTIFICATE

- B1** Work must not commence until a relevant Construction Certificate has been issued.

COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA)

- B2** Details should be provided to the satisfaction of the PCA, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Regulation in relation to the requirements of the Building Code of Australia (BCA).

DESIGN MODIFICATIONS

- B3** Prior to the issue of the relevant Construction Certificate, amended plans and documentation are required to be submitted to and approved by the Secretary. Plans shall include:
- a) provision of a minimum of 159.5m² of communal open space on the roof terrace;
 - b) identification of designated visitor and retail bicycle spaces within the basement car parking area located within close proximity of the end of trip facilities or on the ground level within the public domain areas;
 - c) provision of minimum storage area requirements for each apartment, either within the apartment and / or within the basement, in accordance with the Residential Flat Design Code;
 - d) modification of the layout of apartments to ensure privacy between residents with the inclusion of proposed measures provided to the Department on 25 August 2014; and
 - e) wind engineering to be undertaken of the approved design, and any recommendations and requirements, to achieve a minimum of 60% of apartments able to be naturally cross-ventilated or achieve equivalent resultant natural ventilation.

DESIGN QUALITY EXCELLENCE

- B4** In order to ensure the design quality of the development is retained:
- a) the design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - b) the design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project; and
 - c) evidence of the design architect's commission is to be provided to the Department prior to release of the Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of the Department.

DESIGN VERIFICATION STATEMENT – RESIDENTIAL FLAT BUILDINGS

- B5** 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*.

PUBLIC DOMAIN PLAN

- B6** Prior to issue of the relevant Construction Certificate for above ground works, detailed public domain / landscaping plans and documentation are required to be submitted to and endorsed by Council, incorporating the following:

- a) details of all public domain works and ground level landscape works prepared in accordance with Council's Public Domain Manual;
- b) details of the retention or provision of replacement of street trees and plantings generally in accordance with the approved plans; and
- c) visitor bicycle parking provision within the public domain and pedestrian areas surrounding the site.

The public domain plan is to be designed to take into account the findings of the wind impact assessment submitted with the RtS and demonstrate that no adverse wind impacts arise from the final design.

PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

- B7** Prior to an above ground Construction Certificate being issued for a new building work (excluding a Construction Certificate for structural works), 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.

FOOTWAY PAVEMENT DESIGN

- B8** A footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to Council for consent prior to the issue of the relevant Construction Certificate for works above ground.

PAVING MATERIALS

- B9** 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".

ROOF TERRACE

- B10** Prior to the issue of a Construction Certificate for above ground works, a detailed landscape plan for the roof terrace is required to be submitted to, and approved by the PCA. The landscape plan is to incorporate appropriate plantings, materials, and finishes to demonstrate a high quality open space area is provided to meet the recreational needs of residents.

- B11** All residents of the building are to have access to the open space area.

SHOP FRONTS

- B12** All shop front glazing must be clear and must not be obscured by blinds, curtains or the like. Security roller shutters must not be installed on the outside of the shopfront. Any security grille is to be a dark recessive colour, located on the inside of the shopfront, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by Council or the PCA prior to a Construction Certificate being issued.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- B13** The Applicant is to engage a suitably qualified person 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'. 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 PCA prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the Council and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

PHOTOGRAPHIC RECORD / DILAPIDATION REPORT – PUBLIC DOMAIN

- B14** Prior to a Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the 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.

ALIGNMENT LEVELS

- B15** Prior to a Construction Certificate for above ground works 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.

These alignment levels, as 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.

ROADS AND MARITIME SERVICE

- B16** The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability on Abercrombie Street and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability on Abercrombie Street.
- c) Any other issues that may need to be addressed (Contact: RMS Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766 for details).

OUTDOOR LIGHTING

- B17** All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for above ground works.

ACCESS FOR PEOPLE WITH DISABILITIES

- B18** 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. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate for above ground work drawings.

BICYCLE FACILITIES

- B19** Minimum bicycle parking on site or adjacent shall be provided as follows:
- a) 180 internal spaces for residents (1 space per residential apartment) and employees (1 space per retail tenancy);
 - b) 21 visitor bicycle parking spaces through bicycle hoops located within the public domain frontages (the final location to be discussed with Council as required by Condition B6 – Public Domain Plan).
- B20** Storage, change room and shower facilities for the commercial uses shall be provided and designed to comply with the NSW Planning Guidelines for Walking and Cycling. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

CAR PARKING

- B21** Car parking on site shall be provided as follows:
- a) 103 residential car parking spaces (including 28 accessible spaces); and
 - b) 6 car share spaces, being 5 spaces within the basement area below Block 2, 5 and 9 and the other space along Carlton Street.
- B22** Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA prior the issue of the issue of the relevant Construction Certificate:
- a) all vehicles should enter and leave the subject site in a forward direction;
 - b) 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, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicles where applicable;

- c) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
- 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 (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.

FOOTPATH DAMAGE BANK GUARANTEE

B23 A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public 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.

REFLECTIVITY

B24 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent 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 PCA prior to the issue of a Construction Certificate for above ground works.

STRUCTURAL DETAILS

B25 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA 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

B26 All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with Australian Standards, 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 PCA prior to the issue of the relevant Construction Certificate for above ground works.

STORAGE AND HANDLING OF WASTE

B27 The building plans and specifications accompanying the relevant Construction Certificate shall 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 of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met to the satisfaction of the PCA.

INSTALLATION OF DUAL FLUSH TOILETS

- B28** All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.

INSTALLATION OF WATER EFFICIENT TAPS

- B29** All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.

INSTALLATION OF WATER EFFICIENT URINALS

- B30** New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B31** Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

INTERNAL LIGHTING SYSTEM

- B32** The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

PRESERVATION OF SURVEY MARKS

- B33** All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

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

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

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

NOISE MITIGATION MEASURES

- B34** Details of noise mitigation measures recommended in the Noise Impact Assessment prepared by Acoustic Logic consulting are to be detailed on the construction certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental*

Planning Policy (Infrastructure) 2007 and other guidelines applicable to the development is required to be submitted prior to the issue of the relevant construction certificate.

COMPLIANCE REPORT

- B35** Prior to the issue of a Construction Certificate, the applicant shall submit to the Department a report addressing compliance with all relevant conditions of Consent.

EROSION AND SEDIMENT CONTROL

- B36** 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 included in the CEMP submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- B37** A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for consent, prior to the issue of a Construction Certificate.

STORAGE AND HANDLING OF WASTE

- B38** The building plans and specifications accompanying the relevant Construction Certificate shall 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.

BASIX CERTIFICATION

- B39** The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 506755M, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the PCA with all commitments clearly shown on the relevant Construction Certificate plans.

SECURITY GATES

- B40** Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

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

- B41** For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- a) Prior to a Construction Certificate being issued, the following documents must be submitted to the PCA and a copy to Council (if Council is not the PCA):
 - i. Dilapidation Report of adjoining buildings/structures.
 - ii. Evidence that public utility services have been investigated.
- b) If adjoining a Public Way:
 - i. Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - ii. Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- c) Prior to commencement of work:

- i. The location of utility services must be fully identified and the requirements of the relevant public utility authority complied with; and
- ii. The following documents must be submitted to and approved by the PCA and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.
 - b. Geotechnical report and certification as prescribed elsewhere in this consent.
- d) Prior to issue of Occupation Certificate, the PCA must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
 - i. All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - ii. The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2 metres.
 - iii. All timber must be removed.
 - iv. All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - v. All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- e) The Bank Guarantee may be released after the PCA submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning.

OUTDOOR LIGHTING

- B42** All outdoor lighting within the site shall comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

- B43** Prior to the issue of the relevant Construction Certificate, detailed design documentation demonstrating compliance with the recommendations of the Access Review Report submitted with the EIS shall be submitted. 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. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

CHANGES TO KERB SIDE PARKING RESTRICTIONS

- B44** A separate submission must be made the Sydney Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the development use.

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

All costs associated with the changes to sign posting will be at no cost to Council. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

SAFER BY DESIGN (CPTED)

- B45** To minimise the opportunity for crime in accordance with 'Crime Prevention through Environmental Design' principles, the measures provided in the Environmental Impact Statement, as amended by the Response to Submissions, are to be demonstrated on the architectural plan prior to the issue of the relevant Construction Certificate.

DISPOSAL OF SEEPAGE AND STORMWATER

- B46** Any seepage or rainwater collected on-site during construction must be either re-used or disposed of, to ensure it does not cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless it is consistent with the document managing urban stormwater – Soils and Construction Volume 1(2004) by Landcom. Details are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

PART C – PRIOR TO COMMENCEMENT OF WORKS

CERTIFIED PLANS

- C1** Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the PCA and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

NOTICE OF COMMENCEMENT OF WORKS

- C2** The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Site.

EXCAVATION AND CONSTRUCTION MANAGEMENT

- C3** Prior to the commencement of excavation work the following details must be submitted to and be approved by the PCA:
- a) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of façade retention.
 - b) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - c) A Waste Management Plan for excavation of the proposed development.

Such statements must, where applicable, be in compliance with the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:

- a) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
- b) The name and address of the company/contractor undertaking excavation works.
- c) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- d) The name and address of the transport contractor.
- e) The type and quantity of material to be removed from site.
- f) Location and method of waste disposal and recycling.
- g) Proposed truck routes, in accordance with this development consent.
- h) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- i) Measures to control noise emissions from the site.
- j) Measures to suppress odours.
- k) Enclosing and making the site safe.
- l) A certified copy of the Public Liability Insurance indemnifying Council and the Department for \$10,000,000 against public prosecution for the duration of the demolition works.
- m) Induction training for on-site personnel.
- n) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.

- o) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- p) Disconnection of utilities.
- q) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- r) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- s) Waterproofing of any exposed surfaces of adjoining buildings.
- t) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environment Operations Act 1997).
- u) Working hours, in accordance with this development consent.
- v) Any Work Cover Authority requirements.

The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

CONSTRUCTION NOISE AND VIBRATION

- C4** Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public);
 - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) identification of all potentially affected sensitive receivers;
 - d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
 - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
 - f) where the objectives are predicted to exceed an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
 - h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - i) measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

WASTE MANAGEMENT PLAN DURING CONSTRUCTION

- C5** Prior to the commencement of any works on the site, a detailed Construction Waste Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The plan shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete; and
 - b) 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.

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

- C6** 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.
- C7** 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 Site, prior to the commencement of the removal of any waste material from the Site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

- C8** Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) ingress and egress of vehicles to the Site,
 - b) loading and unloading, including construction zones,
 - c) predicted traffic volumes, types and routes, and
 - d) pedestrian and traffic management methods.

The Applicant shall submit a copy of the final Plan to Council and the Traffic Management Centre, prior to the commencement of work.

STRUCTURAL DETAILS

- C9** Prior to the commencement of building construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- a) the relevant clauses of the BCA,
 - b) the development consent, and
 - c) drawings and specifications comprising the Construction Certificate.

RMS APPROVAL OF STORMWATER MANAGEMENT

- C10** Prior to the commencement of any above ground works, detail design plans and hydraulic calculations of any changes to the stormwater drainage system to Abercrombie Street are to be submitted to the RMS for approval.

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before the RMS approval is issued. With regard to the Civil Works Requirement, please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

VEHICLE FOOTWAY CROSSING

- C11** 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.

TRAFFIC WORKS

- C12** Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

ASSOCIATED ROADWAY COSTS

- C13** All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the developer. The new road works must be designed and constructed in accordance with the City's Development Specification for Civil Works Design and Construction".

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C14** Prior to the commencement of any works on the Site, an updated 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:
- a) hours of work;
 - b) 24 hour contact details of site manager;
 - c) traffic management, in consultation with Council, TfNSW and RMS;
 - d) construction noise and vibration management, prepared by a suitably qualified person;
 - e) management of dust to protect the amenity of the neighbourhood;
 - f) erosion and sediment control;
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - i) flora and fauna management;
 - j) works in accordance with the Remedial Works Plan submitted with the EIS;
 - k) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and incorporation of all acoustic management and treatments.

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.

COMMUNITY CONSULTATION

- C15** A Community Consultation and Engagement Plan shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.

UTILITY SERVICES

- C16** 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 of the underground structure.
- C17** 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.

In relation to Ausgrid, the Applicant shall:

- a) ensure Ausgrid's capacity to design, construct and operate existing and future infrastructure is not impeded, including works affecting easements, duct corridors, cable routes or works that require the removal or relocation of existing infrastructure;
- b) confirm with Ausgrid the location and status (e.g. live, de-energised, isolated, abandoned) of existing Ausgrid infrastructure;
- c) liaise with Ausgrid in relation to any aspects of the development that may impact or potentially impact Ausgrid's infrastructure or ability to safely operate and maintain its infrastructure. This includes but is not limited to minimum clearances, maintaining access, impacts on structural integrity and ventilation, as well as effects of vibration, excavation and construction works;
- d) liaise with Ausgrid to determine the relocation of any existing infrastructure to the satisfaction of Ausgrid in its absolute discretion;
- e) liaise with Ausgrid to agree appropriate work methodologies in the vicinity of Ausgrid's infrastructure.

EXCAVATION WORKS

- C18** The PCA shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Subject Site.

STORMWATER AND DRAINAGE MANAGEMENT

- C19** The existing stormwater management and drainage connections servicing the upper catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

SIGNS AT EGRESS

- C20** The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- a) compelling drivers to stop before proceeding onto the public way;
 - b) compelling drivers to "Give Way to Pedestrians" before crossing the footway; and
 - c) compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

ACCESS DRIVEWAYS TO BE CONSTRUCTED

- C21** 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.

PART D – DURING CONSTRUCTION

HOURS OF WORK

- D1** The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) a variation is approved in advance in writing by the Director General or his nominee.
 - e) 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".

LIGHTING OF SITE DURING CONSTRUCTION

- D2** The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the PCA or the Director General, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

EROSION AND SEDIMENT CONTROL

- D3** All soil 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.

WASTE DISPOSAL

- D4** All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

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 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 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.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) The notice is to be able to be read by the general public;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) 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
d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

SURVEY CERTIFICATE

- D7** A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

UTILITIES

- D8** During works within the Site, the Applicant shall ensure the work in vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- D9** The Applicant shall be responsible for all public utility adjustment / relocation works, necessitated by the development and as required by the various public utility authorities and / or their agents.
- D10** The relocation of any TfNSW services or infrastructure is to be at the Applicant's cost and to TfNSW requirements and standards.
- D11** All works / regulatory signage associated with the proposed development is to be at no cost to TfNSW or RMS.

CONSTRUCTION NOISE MANAGEMENT

- D12** The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- D13** If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D14** Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the Construction Noise and Vibration Management Plan.
- D15** Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the Site.
- D16** All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

VIBRATION CRITERIA

- D17** Vibration caused by construction at any residence or structure outside the 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 set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).
- 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 the CEMP.

WORK COVER REQUIREMENTS

- D18** 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.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- D19** A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:-
- a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - b) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- D20** Should a hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant.

Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.

- D21** The hoarding must comply with the Councils policies for hoardings and temporary structures on the public way and comply with the following requirements:
- 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.

HAZARDOUS AND INDUSTRIAL WASTE

D22 Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:

- a) *Protection of the Environment Operations Act 1997.*
- b) *Protection of the Environment Operations (Waste) Regulation 1996.*
- c) *Waste Avoidance and Recovery Act 2001.*
- d) *New South Wales Occupational Health & Safety Act 2000.*
- e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J*
- f) *Construction Work Involving Asbestos or Asbestos Cement 1983).*
- g) *The Occupational Health & Safety Regulation 2001.*
- h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*

COVERING OF LOADS

D23 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

ACCESS DRIVEWAYS TO BE CONSTRUCTED

D24 Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of the City of Sydney's "Driveway Specifications" and to Council's satisfaction.

DISPOSAL OF SEEPAGE AND STORMWATER

D25 Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

PROTECTION OF TREES

D26 No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.

D27 Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- a) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include;
 - 1) an adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - 2) tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - 3) timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall 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. Small trees with a trunk diameter of 200mm or less should be protected though the use of an exclusion zone; and

- 4) tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
- b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- c) Materials or goods, including site sheds, must not be stored or placed:
 - 1) around or under the tree canopy; or
 - 2) within two (2) metres of the trunks or branches of any street trees.
- d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent to the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

PROTECTION OF STONE KERBS

- D28** The existing stone kerbs on all the frontages of the site are to be retained and properly protected during excavation and construction works.

To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.

Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.

Council approval is required before kerbs are removed.

VEHICLE CLEANSING

- D29** 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.

LOADING AND UNLOADING DURING CONSTRUCTION

- D30** 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 site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

NO OBSTRUCTION OF PUBLIC WAY

- D31** 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.

USE OF MOBILE CRANES

- D32** 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.

SKIPS AND BINS

- D33** No asbestos laden skips or bins are to be left in any public place without the consent of Council.

PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE TO BE SUBMITTED

- E1** An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

COMPLIANCE WITH BASIX CERTIFICATE

- E2** All commitments listed in the BASIX Certificate (as referred to in Condition B39) for the development must be fulfilled prior to the issue of the an Occupation Certificate.

PUBLIC DOMAIN WORKS

- E3** Public domain works within the zone of influence including connections to adjacent sites are to be completed to the satisfaction of Council prior to issue of an Interim and/or Final Occupation Certificate.

LOADING DOCK MANAGEMENT

- E4** Prior to the issue of the relevant Occupation Certificate, a Loading Dock Management Plan shall be submitted to the PCA to promote safe and efficient operation of the proposed loading area and to minimise conflicts with pedestrian movements.

The Loading Dock Management Plan is to address the recommendations of the Traffic Assessment submitted with the RtS and shall include the following:

- a) allocation of loading spaces;
- b) restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements;
- c) controls on duration of stays;
- d) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
- e) controls on the placement of skips, pallets, etc.;
- f) procedures for tradesman access and parking;
- g) allocation of delivery times for residential removalists; and
- h) truck access routes.

MECHANICAL VENTILATION

- E5** 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 the relevant 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

- E6** The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the 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.

ENVIRONMENTAL PERFORMANCE

- E7** Prior to the issue of the final Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a design rating of 5 stars using the Multi-Unit Residential v1 tool rating as established by the Green Building Council of Australia.

REGISTRATION OF EASEMENTS

- E8** 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.

POST-CONSTRUCTION DILAPIDATION REPORT

- E9** 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 and each of the affected property owners.

FIRE SAFETY CERTIFICATION

- E10** Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant 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 be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E11** A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant 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.

INTERCOM FOR VISITORS

- E12** Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with "*Australian Standard AS 1428.2-1992: Design for access and mobility – Enhance and additional requirements – Building and facilities Sections 22 and 23*".

GREEN TRAVEL PLAN

- E13** A Green Travel Plan must be submitted to and approved by Council prior to the Occupation Certificate for the site / use being granted. Note: It is recommended the applicant contact a member of the Transport and Access Unit, to discuss the Green Travel Plan with Council, prior to its submission.

WASTE DISPOSAL

- E14** All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).

PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE

- E15** A plan of management for the ongoing maintenance of landscaped areas within common communal areas and/or adjacent to the public domain is to be prepared and adopted by the Owners Corporation. The maintenance plan is to be complied with during the occupation of the property.

INSTALLATION OF WATER EFFICIENT TAPS

- E16** All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Certification is to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

ACOUSTIC COMPLIANCE

- E17** Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise Impact Assessment prepared by Acoustic Logic and the development achieves compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development.

STREET NUMBERING

- E18** 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 changes to street numbers are required, a separate application shall be made to the Council.

PART F – POST OCCUPATION

LOADING AND UNLOADING

- F1** All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site at all times.
- F2** A commercial agreement shall be entered into with the relevant tenants/occupiers of the building addressing compliance with the Loading Dock Management Plan.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- F3** 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 – GENERAL

- F4** The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
- a) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - b) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW.
 - c) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
 - d) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F5** Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
 - b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" – DEC (EPA) AS1055 for sound level measurements

USE OF COMMUNAL TERRACE

- F6** Use of the roof terrace is restricted to residents and their guests of the development only. There is to be no PA or amplified music played on the terrace. To ensure minimal impact on adjoining apartments within the building as well as surrounding properties the hours of operation shall be restricted to between 8:00am and 10:00pm 7 days per week. Any increase in the hours of operation will need to be formally submitted to and endorsed by Council. The submission shall include a report from an Acoustic Consultant verifying that there is no impact on adjoining apartments within the building or surrounding sites.

NO SPEAKERS OR MUSIC OUTSIDE

- F7** Speakers must not be installed and amplified music, PA systems or the like, must not be played or used in any of the outdoor areas associated with the premises including the public domain.

STORAGE OF HAZARDOUS OR TOXIC MATERIAL

- F8** Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

ANTI-GRAFFITI

- F9** Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public places is to be removed within 48 hours.

PUBLIC WAY TO BE UNOBSTRUCTED

- F10** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

EXTERNAL LIGHTING

- F11** 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.

ANNUAL FIRE SAFETY CERTIFICATION

- F12** The owner of the building shall certify to Council every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

RESTRICTION ON RESIDENTIAL DEVELOPMENT

- F13** The restriction applies to the components of the buildings approved for residential use:
- a) The accommodation portions of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2005.
 - b) The dual key apartments must not be subdivided into separate lots.
 - c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
 - d) The total number of adults residing in one apartment shall not exceed twice the number of approved bedrooms.
 - e) If an apartment contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

- f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.
- g) Car parking spaces may only be used for storage related to residence in the apartment with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

ADVISORY NOTES

APPEALS

- AN1 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).

OTHER APPROVALS AND PERMITS

- AN2 The Applicant shall apply to the relevant authority 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.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

- AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

- AN4 An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained 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.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

- AN6 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.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN7 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.
- AN8 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.

ASBESTOS REMOVAL

- AN9 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"*.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- AN10 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.

BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS

- AN11 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

- AN12 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.

SYDNEY WATER NOTICE OF REQUIREMENTS

- AN13 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 the first Construction Certificate.

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.

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.

PROHIBITION ON PARTICIPATION IN RESIDENT PARKING SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY – INELIGIBILITY FOR RESIDENT PARKING PERMITS

- AN14 All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.