

APPENDIX F RECOMMENDED CONDITIONS OF CONSENT

Development Consent

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

As delegate of the Minister for Planning, I approve the development application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental 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.

Sydney

2016

SCHEDULE 1

Application No.:

SSD 7064

Applicant:

Sutherland & Associates Planning Pty Ltd

Consent Authority:

Minister for Planning

Land:

175-177 Cleveland Street and 1-5 Woodburn Street,
Redfern

Development:

Mixed use hotel, residential flat building and retail
development:

- demolition of existing structures;
- construction of a 5 to 6 storey building comprising:
 - hotel accommodation for 76 rooms
 - a residential flat building containing 19 apartments;
 - two retail / commercial units;
 - a double storey basement; and
- stratum subdivision.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Aaron Sutherland & Associates Planning, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B1.
BCA	Building Code of Australia
Construction Council	Any works, including earth and building works City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment or its successors
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled prepared by Sutherland & Associates Planning, dated August 2015
EPA	Environment Protection Authority, or its successor
The 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, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
RTS	Response to Submissions report prepared by Sutherland & Associates Planning, dated August 2016
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, Transport for New South Wales or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
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	175-177 Cleveland Street and 1-5 Woodburn Street, Redfern
UGDC	Urban Growth NSW Development Corporation

SCHEDULE 2

PART A – ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

Terms of Consent

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development described in Schedule 1.
- A2. The applicant shall carry out the project generally in accordance with the:
- (a) State significant development application and conditions of consent (SSD 7064);
 - (b) Environmental Impact Statement, prepared by Sutherland and Associates Planning, dated August 2015;
 - (c) *Remediation Action Plan 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern* dated 14 March 2016 and prepared by EI Australia;
 - (d) Response to Submissions prepared by Sutherland and Associates Planning, dated August 2016;
 - (e) following drawings as set out in the table below, except for:
 - (i) any modifications which are exempt or complying development; and
 - (ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by JPRA			
Drawing No.	Revision	Name of Plan	Date
DA1000	E	Site Plan	20/07/2016
DA2000	C	Lower Basement Floor Plan	20/04/2016
DA2001	C	Upper Basement Floor Plan	20/04/2016
DA2002	F	Ground / Level 1 Floor Plan	04/10/2016
DA2003	F	Level 2 Floor Plan	04/10/2016
DA2004	F	Level 3 Floor Plan	04/10/2016
DA2005	E	Level 4 Floor Plan	20/07/2016
DA2006	E	Level 5 Floor Plan	20/07/2016
DA2007	E	Level 6 Floor Plan	20/07/2016
DA2008	E	Level 7 Floor Plan	20/07/2016
DA2009	E	Roof Plan	20/07/2016
DA2010	F	Ground / L1 Plan & East Elevation – Graded Footpath	04/10/2016
DA3000	E	North Elevation	20/07/2016
DA3001	E	South Elevation	20/07/2016
DA3002	F	East Elevation	04/10/2016
DA3003	E	West Elevation	20/07/2016
DA3100	E	Section A	20/07/2016
DA3101	E	Section B	20/07/2016
DA3102	E	Section C & D	20/07/2016
DA7000	E	North Elevation Finishes	20/07/2016

DA7001	E	East Elevation Finishes	20/07/2016
Engineering Drawings prepared by S&G Consultants Pty Limited			
Drawing No.	Revision	Name of Plan	Date
SW02	A	Stormwater Drainage Plan – Basement	05/09/2015
SW03	A	Stormwater Drainage Plan – Ground Floor / Level 1	10/09/2015
SW04	A	Stormwater Drainage Plan – Roof Plan	10/09/2015
SW05	A	Erosion & Sediment Control – Plan & Details	10/09/2015
SW06	B	Details Sheet	10/09/2015

Inconsistency between Documents

A3. 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 approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Limits of Consent

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

A5. This consent does not approve the following components of the development:

- (a) fit out and operation of the commercial / retail tenancies on the ground / first floor;
- (b) strata subdivision; and
- (c) signage.

Separate approval/s from the relevant consent authority is required, except where exempt and complying development applies.

Prescribed Conditions

A6. The applicant shall comply with the prescribed conditions of this consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000.

Long Service Levy

A7. Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

A8. Any advice or notice to the consent authority shall be served on the Secretary.

Obligation to minimise harm to the Environment

A9. 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.

Encroachments

A10. No portion of the proposed structure shall encroach onto the adjoining properties.

A11. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

A12. To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006.

In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*, the levy is 1.25% of the total gross floor area (GFA) of the proposed development and is calculated at \$82.30 per square metre (being the rate at 1 July 2016). The total contribution amount will be finalised upon confirmation of the gross floor area in accordance with Condition B3. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and Clause 9 of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.

This contribution plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

Proof of payment of this contribution to the UGDC Development Corporation (UGDC) and calculation of any indexing, shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate. No deferred or periodic payments are permitted.

Email info@ugdc.nsw.gov.au or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC Development Corporation.

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available on the website www.ugdc.nsw.gov.au.

Redfern-Waterloo Authority Contributions Plan 2006

A13. To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the Redfern-Waterloo Authority Contributions Plan 2006.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution amount of \$357,042.40 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to Construction Certificate, written verification of this should be provided by UGDC Development Corporation and provided to the Certifier. No deferred or periodic payments are permitted.

Email info@ugdc.nsw.gov.au or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC Development Corporation.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Suite 3220, Bay 4 Locomotive Workshop 2 Locomotive Street Eveleigh NSW 2015 or from the website www.ugdc.nsw.gov.au.

End of Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

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

Amended Plans

B2. Prior to the issue of the first Construction Certificate, amended architectural plans / elevations and supporting documentation shall be submitted to the satisfaction of the Secretary demonstrating:

- (a) the form of the building facing Eveleigh Street has been amended so that the percentage of solar access to the roof deck of 6-8 Woodburn Street at each hour between 9 am and 3 pm (as measured in mid-winter) is no less than the solar access provided by the approved development SSD 5397 at the same time. The amendments to the building form shall not result in an increase to the approved building height and / or GFA;
- (b) the depth of the primary private open space of all ground floor apartments is 2 m for two bedroom apartments and 2.4 m for three bedroom apartments;
- (c) internal elevations showing details of louvres and privacy measures on windows (as identified in drawing DA2003F, DA2004F, DA2005E, DA2006E and DA2007E); and
- (d) basement plans allocating secure and lockage storage spaces for each apartment, with a minimum volume of 2m³ for studio apartments, 3 m³ for one bedroom apartments, 4m³ for two bedroom apartments and 5 m³ for three bedroom apartments.

B3. Prior to the issue of the first Construction Certificate, the gross floor area of the amended plans (as required in Condition B2) must be confirmed in writing by a registered surveyor. This must be provided to UGDC in order to calculate the affordable housing contribution payable in accordance with Condition A12 and the Voluntary Planning Agreement payable in accordance with Condition B6.

B4. Prior to the issue of the first Construction Certificate, amended landscape plans and supporting documentation shall be submitted to the satisfaction of the Secretary reflecting the approved building form. These amended plans shall be generally in accordance with the Landscape Plans and Statement provided at Appendix F of the EIS.

B5. Prior to the issue of the first Construction Certificate, an amended Plan of Stratum Subdivision shall be submitted to the satisfaction of the Secretary reflecting the approved building form. This amended plan shall be generally in accordance with the Draft Plan of Stratum Subdivision provided at Appendix Y of the EIS.

Voluntary Planning Agreement

B6. A Voluntary Planning Agreement in accordance with the offer dated 2 September 2015 between the applicant (or its nominated entity) and UGDC shall be prepared, publicly exhibited, executed and registered on the title of the land with the Office of Land and Property Information.

The Voluntary Planning Agreement, as executed, must be registered on the title of the land prior to the issue of the first Construction Certificate.

A copy of the executed Voluntary Planning Agreement shall be submitted to the Secretary.

Compliance with the Building Code of Australia (BCA)

B7. Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

BASIX

B8. Prior to the issue of a Construction Certificate, plans demonstrating compliance with BASIX certificate 659199M for the approved development shall be submitted to the Certifying Authority.

Vehicle Access/Egress Alert System

B9. Prior to the issue of a Construction Certificate, details of a vehicle alert system to safely manage vehicular entry and exit shall be submitted to the Certifying Authority. The vehicle alert system shall not result in any adverse noise impacts on adjoining residents.

Storage and Handling of Waste

B10. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within each Building 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

B11. All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

Installation of Water Efficient Taps

B12. 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 are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

Compliance with the Acoustic Report Prior to Construction and Occupation Certificates

B13. All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, dated 10 August 2016, reference 20150160.1/1008A/R1/JL must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.

B14. Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the acoustic report prepared by Acoustic Logic, dated 10 August 2016, reference 20150160.1/1008A/R1/JL.

B15. Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the PCA that the development complies with the requirements set out in the Report and in (a) and (b) above.

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

Microbial Control Water System

B16. Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by

a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.

- B17. Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- B18. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following: Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance-based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
- B19. 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 a Construction Certificate for above ground works.

Mechanical Ventilation

- B20. The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 -*The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*.
- B21. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 -*The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings* and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, the *Building Code of Australia*, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, and AS1668 -*The Use of Mechanical Ventilation and Air conditioning in Buildings* to the written satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
- B22. Residential apartments must be capable of complying with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building* with all external windows and doors closed. Mechanical ventilation must be installed if required to ensure compliance.
- B23. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, must be submitted to and approved by the Principal Certifying Authority.
- B24. The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies are approved for future use by food premises or other uses which require mechanical exhaust.

Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

Car Park Ventilation

B25. The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

Landscaping of the site

B26. Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

B27. All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Internal Lighting System

B28. 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 and on as required. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

Driveway

B29. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the Construction Certificate.

B30. A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

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

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

Electrolysis Expert

B31. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for a Construction Certificate.

Waste and Recycling Management

- B32. Prior to the issue of a Construction Certificate, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the Certifying Authority. 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.
- B33. 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 Certifying Authority prior to the removal of any hazardous materials.
- B34. The applicant shall submit a copy of the Plan to the Department and to the Council, prior to commencement of work.
- B35. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

Pre-Construction Dilapidation Reports

- B36. 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'. 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 the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and each of the affected property owners.
- B37. 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 Department 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.

Car parking spaces and dimensions

- B38. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- B39. The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

Access for People with Disabilities

- B40. 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 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 the relevant Construction Certificate drawings.

Construction Traffic Management Plan

- B41. A detailed Construction Traffic Management Plan must be submitted to and approved by Council, prior to the issue of a Construction Certificate being issued. The Construction Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council and RMS:
- (a) a description of the demolition, excavation and construction works;
 - (b) a site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
 - (c) any proposed road and/or footpath closures;
 - (d) details of any required Works Zones, (Note: Works Zones require the approval of the local Traffic Committee);
 - (e) proposed site access locations for personnel, deliveries and materials;
 - (f) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
 - (g) provision for loading and unloading of goods and materials;
 - (h) impacts of the work and vehicular movements on the road network, traffic and pedestrians;
 - (i) proposed hours of construction related activities and vehicular movements to and from the site;
 - (j) current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority);
 - (k) any activities proposed to be located or impact upon Council's road, footways or any public place; and
 - (l) measures to maintain public safety and convenience.

Alignment Levels – Major Development

- B42. Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- B43. Existing steps on Woodburn Street are to be removed and the new footpath is to follow the alignment of the existing road and boundary alignment.
- B44. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- B45. These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

Public Domain Plan

- B46. A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain

Section prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*). The Public Domain Plan must be coordinated with the Cleveland Street Project as developed by City Projects.

- B47. The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work. A lighting plan must be submitted with the Public Domain Plan and produced by an experienced lighting designer. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas.
- B48. The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- B49. A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- B50. Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- B51. 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

- B52. Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- B53. Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works

must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

Public Domain Damage Deposit

B54. A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier. The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

Defects Liability Period – Public Domain Works

B55. All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

Drainage and Service Pit Lids

B56. Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

Photographic Record / Dilapidation Report – Public Domain

B57. Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

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

The form of the recording is to be as follows:

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

make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

Preservation of Survey Marks

B58. 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).

Protection of Survey Infrastructure

B59. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Stormwater and Drainage – Major Development

B60. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

B61. The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.

B62. Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above

ground building works, whichever is earlier, and prior to the commencement of any work within the public way.

- B63. 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. Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.

Erosion and Sediment Control

- B64. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban stormwater – Soil and Construction Volume 1 (2004)* by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and implemented in full during the construction period.

Physical Models

- B65. Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House.
- B66. Prior to a final Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed must be submitted to Council for the City Model in Town Hall House.

Electronic CAD Models

- B67. Prior to a Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- B68. The data required to be submitted within the surveyed location must include and identify:
- building design above and below ground in accordance with the development consent;
 - all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- B69. The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- B70. Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

Sydney Trains – Future CBD Rail Link

- B71. The following items are to be submitted to Transport for NSW in relation to the proposed CBDRL for review and endorsement prior to the issuing of a Construction Certificate:
- (a) All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of noise and vibration from (future) railway operations. The Acoustic Report must be updated to consider noise and vibration from a future underground rail tunnel alignment. The Proponent must incorporate in the development all the measures recommended in the report.
 - (b) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design, and any encroachment into Exclusion Zones 4 and 5 must comply with the limitations of the Structure Exclusion Zones as indicated in drawing 482749-281 Rev 1. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All ground anchors and rockbolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, of removable type or fibreglass type, to avoid obstruction of any future CBDRL construction.
 - (c) A Geotechnical or Structural engineer is to verify that movements and stresses of the ground/structure interaction are within expected limitations for the proposed foundations, the rail corridor rock mass and the future excavation of the rail tunnels. The ground/structure interaction modelling and analysis should be completed using appropriate empirical and/or numerical methods (e.g. finite element analysis).
- B72. All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations.
- B73. Any contamination issues encountered during the development of the site (e.g. demolition of existing structure) are to be resolved taking cognizance of the future railway (tunnel alignment).

Sydney Trains – Existing Rail Corridor

- B74. Prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
- (a) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - (b) Final Construction methodology with construction details pertaining to structural support during excavation.
 - (c) Final cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
 - (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure.
 - (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (f) Final drainage details based on the final approved development.
- B75. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the

vicinity of the project is to be carried out by representatives from Sydney Trains and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- B76. No rock anchors/bolts are to be installed into the rail corridor.
- B77. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- B78. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B79. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B80. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- B81. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- B82. No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- B83. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B84. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this

insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

- B85. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- B86. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- B87. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- B88. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- B89. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

Roads and Maritime Services

- B90. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

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 Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- B91. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

Project Engineer, External Works Sydney Asset Management Roads and Maritime Services
PO Box 973 Parramatta CBD 2124. Telephone 8849 2114 Fax 8849 2766.

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

- B92. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Cleveland Street.
- B93. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Land Remediation

- B94. The site is to be remediated in accordance with the Remedial Action Plan prepared by Environmental Investigations dated 14 March 2016 and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor JM Nash dated 21 July 2016 and referenced 85573.00. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.
- B95. A NSW EPA Accredited Site Auditor and Council shall approve any variations to the proposed Remediation Action Plan in writing prior to the commencement of such work.
- B96. Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Site Audit Statement

- B97. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council Health and Building Unit clearly indicating that the **site is suitable** for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

Note: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

End of Section

PART C – PRIOR TO CONSTRUCTION

Notice of Commencement of Works

- C1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Site.

Certified Plans

- C2. 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.

Archaeology

- C3. Historical archaeological monitoring and recording should be undertaken during the demolition phase of development, in order to mitigate the archaeological impact of the proposed development. This activity should be undertaken in accordance with the *'Historical Archaeological Impact Assessment'* prepared by Archaeological and Heritage Management Solutions dated September 2015;
- C4. The nominated Excavation Director selected shall meet the criteria endorsed by the Heritage Council of NSW at the appropriate significance level;
- C5. Results of the archaeological works shall be presented in a final excavation report within one (1) year of completion of all archaeological works on the site and shall be submitted for the information of the Heritage Council of NSW; and
- C6. A suitable artefact repository for the ongoing retention for any relics of local heritage significance which are recovered during excavations for this activity must be identified in the report; and a copy of the excavation report shall be retained with the relics at all times.

Aboriginal Heritage

- C7. In the event of discovery of previously unidentified Aboriginal objects (excluding human remains):
- (a) works in the vicinity must cease;
 - (b) the Secretary and OEH must be notified of the discovery;
 - (c) the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence must be assessed by a suitably qualified archaeologist in consultation with the Department, OEH and Registered Aboriginal Parties;
 - (d) the consistency of any new Aboriginal heritage impacts must be assessed against the approved impacts of the SSI;
 - (e) any new Aboriginal site must be registered in the OEH's Aboriginal Heritage Information Management System (AHIMS) register.
- C8. In the event of discovery of human remains:
- (a) works in the vicinity of the site must cease;
 - (b) the Secretary, OEH, NSW Police Force and Registered Aboriginal Parties must be notified; and
 - (c) works must not recommence until authorised by OEH and / or the NSW Police Force.

Photographic Recording

- C9. A copy of photographic recording of the existing building, including both interior and exterior and in line with NSW Heritage Office Guideline *Photographic Recording of Heritage Items using Film or Digital Capture*, is to be submitted to City of Sydney Council.

Associated Roadway Costs

C10. 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 Council's "Development Specification for Civil Works Design and Construction"

Demolition, Excavation and Construction Management

C11. Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Certifying Authority:

- (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 facade retention;
- (b) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (c) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (d) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (e) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* 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:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
 - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
 - (iv) The name and address of the transport contractor.
 - (v) The type and quantity of material to be removed from site.
 - (vi) Location and method of waste disposal and recycling.
 - (vii) Proposed truck routes, in accordance with this development consent.
 - (viii) 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).
 - (ix) Measures to control noise emissions from the site.
 - (x) Measures to suppress odours.
 - (xi) Enclosing and making the site safe.
 - (xii) Induction training for on-site personnel.
 - (xiii) 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.
 - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
 - (xv) Disconnection of utilities.

- (xvi) 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).
 - (xvii) 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).
 - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
 - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
 - (xx) Working hours, in accordance with this development consent.
 - (xxi) Any Work Cover Authority requirements.
- (f) 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.

Structural Details

- C12. Prior to the commencement of construction, the applicant shall submit to the satisfaction of the Certifying Authority 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.

Construction Environmental Management Plan

- C13. Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. 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;
 - (d) noise and vibration management, prepared by a suitably qualified person; management of dust to protect the amenity of the neighbourhood;
 - (e) erosion and sediment control;
 - (f) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - (g) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - (h) flora and fauna management.
- C14. 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.
- C15. The applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

Photographic Record / Dilapidation Report – Public Domain

- C16. Prior to demolition or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction. The recording must include clear images of the 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; and
- (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.

Utility Services

- C17. 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.
- C18. 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.

End of Section

PART D – DURING CONSTRUCTION

Hours of Work and Noise

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 (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

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

Vibration Criteria

D2. 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).

These limits apply unless otherwise outlined in the Construction Environmental Management Plan.

Construction Noise Management

D3. 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 Environmental Management Plan.

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.

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 Environmental Management Plan.

Hoarding Requirements

D4. 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.

Asbestos Removal Works

- D5. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- D6. Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works.. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- D7. All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- D8. Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- D9. Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- D10. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- D11. No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- D12. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size. The site notice board must include the following:
- (a) contact person for the site;
 - (b) telephone and facsimile numbers and email address; and
 - (c) site activities and time frames.

Waste and Recycling Management

- D13. The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

Hazardous and Industrial Waste

- D14. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:
- (a) Protection of the Environment Operations Act 1997;
 - (b) Protection of the Environment Operations (Waste) Regulation 2005;
 - (c) Waste Avoidance and Recovery Act 2001;
 - (d) Work Health and Safety Act 2011; and
 - (e) Work Health and Safety Regulation 2011.

Imported Waste Derived Fill Material

- D15. The only waste derived fill material that may be received at the development site is:
- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*);
 - (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
 - (c) Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

Contaminated Waste

- D16. The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

Discharge of Contaminated Groundwater

- D17. Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Compliance with Demolition, Excavation, and Construction Noise Management Plan

- D18. All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.
- D19. Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the *Construction Hours/Noise Code 1992* and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite. Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

Loading and Unloading during Construction

- D20. The following requirements apply:
- (a) All loading and unloading associated with construction activity must be accommodated on site;
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council;
 - (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities;
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level;

- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development; and
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

Access Driveways

D21. 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.

No Obstruction of Public Way

D22. 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

D23. 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; and
- (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.

Stockpiles

D24. No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.

D25. All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.

D26. All stockpiles of soil or other materials likely to generate dust or odours shall be covered.

D27. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

Use of High Noise Emission Appliances/Plant

D28. The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:

- 9.00am to 12.00pm and 1.00pm to 4.30pm, Mondays to Fridays
- 9.00am to 1.00pm, Saturdays
- No work is permitted on Sundays or Public Holidays

D29. 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.

Covering Loads

D30. All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Dust Management

D31. All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

Erosion and Sediment Control

D32. Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils and Construction Volume 1 (2004) by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and:

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

Vehicle Cleansing

D33. 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.

No obstruction of Public Way

D34. 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.

Stormwater Drainage

D35. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Groundwater Discharge

D36. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Ground Water

D37. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- (a) Groundwater and sub-soil drainage must not be connected or discharged to the stormwater detention tank or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
- (b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- (c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
- (d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the Certifying Authority, prior to issuing the Construction Certificate.

Survey

D38. All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

Road Closures

D39. Any temporary lane or shoulder closure for construction purposes requires a Road Occupancy License from the Transport Management Centre (TMC). For further information, please contact the TMC on 8396 1513.

Road Work Costs

D40. All road work/regulatory signposting associated with the development shall be at no cost to RMS and TfNSW, unless otherwise agreed.

Sydney Water

D41. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Approved Plans to be On-site

D42. 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 Certifying Authority.

Site Notice

D43. 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, Certifying Authority and Structural Engineer.

D44. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the 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 Subject Site is not permitted.

Proximity to other services

D45. That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.

Marking and labelling

D46. Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled 'RAINWATER' made in accordance with AS 1345 can be used.

D47. Below ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.

D48. All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

Maintenance

D49. All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.

D50. The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including *legionella* and organisms from wildlife including birds.

Street Tree Pruning

D51. The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.

D52. Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

Traffic Works

D53. 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.

Vehicle Footway Crossing

D54. 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.

Associated Roadway Costs

D55. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road

works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

End of Section

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate to be Submitted

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

Transport Access Guide

- E2. A Transport Access Guides (TAGs) must be developed for the Student Accommodation and Residential Flat Building. The Transport Access Guide must be prepared in accordance with the RMS's Guide to Producing and Using Transport Access Guides and other guidelines/standards considered best practice.

Parking

- E3. Prior to the issue of an Occupation Certificate, basement parking shall be provided and appropriately signposted/marked for use as follows:
- Hotel: 13 car spaces; and
 - Residential Flat Building: 13 car spaces.

Restriction on Use of Car Spaces - Residential

- E4. The following conditions apply to car parking:
- (a) The on-site car parking spaces are not to be used other than resident of the subject building.
 - (b) The strata subdivision of the site is to include a restriction on user pursuant to section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

Allocation of Accessible Car Parking Spaces

- E5. For residential development, four accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the units in any future strata subdivision of the building.

Location of Accessible Car Parking Spaces

- E6. Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

Bicycle Parking

- E7. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

Vehicle Access

- E8. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

Vehicular Access/Egress Alert System

- E9. Prior to the issue of an Occupation Certificate, a vehicle alert system to safely manage vehicular entry and exit shall be installed and operational. The vehicle alert system shall not result in any adverse noise impacts on adjoining residents.

Signs at Egress

- E10. 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
 - (c) compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Stormwater and Drainage – Major Development

- E11. Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

Acoustic

- E12. The proponent is to engage an Acoustic Consultant prior to occupation of the use and completion of the project who shall prepare an *Acoustic Verification Report* to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.

Alcove Lighting

- E13. The proposed entry alcoves on the Cleveland Street and Woodburn Street elevations shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

Waste and Recycling Collection

- E14. The following conditions apply to waste and recycling collection:
- (a) Clearance height for access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins
 - (b) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters.
 - (c) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
 - (d) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services
 - (e) If there is commercial tenancies in this development they are not to use the residential waste and recycling service and have their own waste facility
 - (f) The development must have a residential rating or applied for a residential rating prior to a City of Sydney waste service

Waste and Recycling Management – Commercial

- E15. A Waste Management Plan is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

Waste and Recycling Management – Residential

- E16. A Waste Management Plan is to be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Policy for Waste Minimisation in New Developments 2005*. All requirements of the approved Waste Management Plan must be implemented during construction of the development.

- E17. The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Policy for Waste Minimisation in New Developments 2005*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.
- E18. Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

Garbage Room

- E19. The garbage room is to be constructed in accordance with City of Sydney's policy for *Waste Minimisation in New Developments* and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

Microbial Control in Water Systems

- E20. Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

Mechanical Ventilation

- E21. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, 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.

Fire Safety Certificate to be Submitted

- E22. A Fire Safety Certificate must be submitted to the Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Certifying Authority.

Hotel Accommodation

- E23. Each hotel room must have individual, secure and lockable storage facilities of a minimum capacity of 0.6m³ per sleeping room.
- E24. The maximum length of stay is three months.
- E25. Where accommodation is provided for more than 28 days, no more than two adults and one child are permitted per room.

Street Numbering – Major Development

- E26. Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy*

on Numbering of Premises within the City of Sydney. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

Site Suitability- Remediation

E27. Upon completion of the remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55 - Remediation of Land*. Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

End of Section

PART F - PRIOR TO STRATUM SUBDIVISION

Access

F1. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

Services

F2. Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance and any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

Rights of way

F3. Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

Surveys/Certificates/Works as Executed Plans

F4. The following items must be lodged with Council either (i) when the engineering works are completed or (ii) prior to issue of any Subdivision or Occupation Certificate:

- (a) All works-as-executed plans (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor.
- (b) A certificate from a Chartered Professional Engineer Certifying that all Works are constructed generally in accordance with the Construction Certificate.
- (c) A certificate from a Registered Engineer (NPER) verifying that any structural elements within the development have been constructed to withstand all loads likely to be imposed on them during their lifetime.
- (d) Where drainage lines are covered by easements a certificate shall be submitted by a Registered Surveyor indicating that all drainage lines and associated structures lie wholly within any easements required by this approval.

Water Authority Compliance Certificate

F5. Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the certifying authority showing that the development has met with the detailed requirements of the relevant water supply authority.

Car Parking Restrictions

F6. Except as otherwise allocated in this development consent, the car parking spaces, exclusive of service spaces, are not to be used by those other than persons attending the site.

F7. These requirements are to be enforced through the following:

- (a) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*, and
- (b) a sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

All costs associated with the above requirements are to be borne solely by the Proponent.

End of this Section

PART G – DURING OPERATIONS

Prohibition on Participation in Resident Parking Permit Scheme

- G1. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- G2. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times **by the Owners Corporation**.

Restriction on Residential Development

- G3. The following restriction applies to buildings approved for residential use:
- (a) The residential accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the *State Environmental Planning Policy (State Significant Precincts) 2005*.
 - (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
 - (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
 - (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

Restriction on Use of Car Spaces – Hotel

- G4. The following conditions apply to car parking:
- (a) The on site car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building.
 - (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
 - (c) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

Restriction on Use of Car Spaces – Residential

- G5. The following conditions apply to car parking:
- (a) The on-site car parking spaces are not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
 - (b) The strata subdivision of the site is to include a restriction on user pursuant to Section 39 of the *Strata Schemes (Freehold Development) Act, 1973* as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all car parking part lots in the strata plan.

Water Pollution

- G6. No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

Connection to Sewers of Sydney Water Corporation

- G7. Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

Noise - General

- G8. The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following:
- (a) The LAeq, 15minute noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (b) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment LA90, 15 minute / rating LA90, 15 minute process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (c) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- G9. An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
- (a) Where the LA90, 15minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (b) The LAeq, 15minute noise level and the LA90, 15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (c) The relevant background noise level (LA90, 15 minute) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
 - (d) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
 - (e) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

Emissions

- G10. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

G11. Gaseous emissions from the development must comply with the requirements of the Protection of the *Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

Intruder Alarm

G12. Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

Re-Use of Roof Rainwater Use

G13. Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

Installation requirements

G14. All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

G15. Rainwater tanks shall be designed to include, but not be limited to the following:

- (a) Shall be fitted with a first flush device.
- (b) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (c) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (d) Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
- (e) Shall have all taps and outlets marked "non potable - not for drinking" on a permanent sign and all pipes are to be coloured 'green' in accordance with AS 1345 / AS 2700.
- (f) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
- (g) Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.
- (h) Water pumps are to be located so as not causing an "offensive noise" as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

Loading Within Site

G16. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

Loading/Parking Kept Clear

G17. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Annual Fire Safety Certification

G18. The owner of the building shall certify to the council every year that the essential services installed in the building for the purpose 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.

Windows

G19. All bedrooms (including those within apartments) must have an operable window or panel to provide natural ventilation as required by the BCA.

Use of Communal Outdoor Terraces

G20. Use of the terrace is restricted to residents or guests of the development only. Access to the outdoor areas is to be restricted to between the hours of 7am and 10pm, 7 days a week.

No Speakers or Music Outside

G21. Speakers must not be installed and amplified music, PA systems or the life, must not be played or used in any of the outdoor areas associated with the premises including the public domain.

End of Section

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 Approval and Permits

AN2 The Applicant shall apply to the council or the relevant authority for all necessary permits including temporary structures, 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. This includes relevant permits under relevant exhibited animals legislation.

Asbestos Removal

AN4 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*".