

Development consent

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

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

These conditions are required to:

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



Mr. Paul Forward
Member of the Commission



Mr Stephen O'Connor
Member of the Commission

Sydney

10 September 2015

SCHEDULE 1

Application No.:	SSD 6554
Applicant:	Central Park JV NO 2
Consent Authority:	Minister for Planning
Land:	Block 1 – Central Park (former Carlton United Brewery Site) (Lot 1 DP1142053)
Development:	Construction of an 18 storey mixed use building including: • ground floor retail • residential apartments on floors 2-18; • residents swimming pool, gym and facilities; • communal Level 16 terrace; • fit out of basement levels with car parking, bicycle parking, end of journey facilities and service infrastructure; • stratum subdivision.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Sydney Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority
RtS	Response to Submissions
Reasonable	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.
RMS	Roads and Maritime Services
Secretary	Secretary, Department of Planning and Environment
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	Land referred to in Schedule 1
Zone of Influence	The horizontal distance from the edge of the basement excavation to twice the maximum basement excavation depth.

SCHEDULE 2

PART A ADMINISTRATIVE 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 and Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- State Significant Development Application SSD 6554;
 - Environmental Impact Statement prepared by JBA Urban Planning Consultants dated August 2014;
 - Response to Submissions report prepared by JBA Urban Planning Consultants dated January 2015 (as amended on 27 March 2015, 15 April 2015, 10 June and 2 July);
 - The conditions of this consent; and
 - The following drawings, except for:
 - any modifications which are Exempt or Complying Development;
 - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Foster + Partners			
Drawing No.	Rev.	Name of Plan	Date
PA A1 1755	2	B1 Basement 04 Plan	01/07/15
PA A1 1756	2	B1 Basement 03 Plan	01/07/15
PA A1 1757	2	B1 Basement 02 Plan	01/07/15
PA A1 1758	2	B1 Basement 01 Plan	01/07/15
PA A1 1759	2	B1 Basement 00 Plan	01/07/15
PA A1 1760	02	Ground Floor	13/03/15
PA A1 1761	02	Level 02	13/03/15
PA A1 1762	02	Level 03	13/03/15
PA A1 1763	02	Level 04	13/03/15
PA A1 1764	02	Level 05	13/03/15
PA A1 1765	02	Level 06	13/03/15
PA A1 1766	02	Level 07	13/03/15
PA A1 1767	02	Level 08	13/03/15
PA A1 1768	02	Level 09	13/03/15
PA A1 1769	02	Level 10	13/03/15
PA A1 1770	02	Level 11	13/03/15
PA A1 1771	02	Level 12	13/03/15
PA A1 1772	02	Level 13	13/03/15
PA A1 1773	02	Level 14	13/03/15
PA A1 1774	02	Level 15	13/03/15
PA A1 1775	02	Level 16	13/03/15

PA A1 1776	02	Level 17	13/03/15
PA A1 1777	02	Level 18	13/03/15
PA A1 1778	02	Roof Level	13/03/15
PA A1 1779	02	Core Roof Level	13/03/15
PA A1 2050	01	Elevation 01 Broadway	16/01/15
PA A1 2051	01	Elevation 02 Chippendale Way – East Facade	16/01/15
PA A1 2052	01	Elevation 03 Central Park Avenue – South Facade	16/01/15
PA A1 2053	01	Elevation 04 Pedestrian Link with Block 4N	16/01/15
PA A1 2054	00	Slot Elevation 01 W and NE Slot South facing facades	16/01/15
PA A1 2055	00	Slot Elevation 02 W and NE Slot north facing facades	16/01/15
PA A1 2056	00	Slot Elevation 03-04 SE & W Slot N&S facing facades	16/01/15
PA A1 2252	01	Section 03 Cross – Block 1	16/01/15
PA A1 2253	01	Section 04 Longitudinal – Block 4N/1	16/01/15
PA A1 3500	01	Detailed Elevation Broadway North Facade	16/01/15
PA A1 3501	01	Detailed Elevation Chippendale Way East Facade	16/01/15
PA A1 3502	01	Detailed Elevation Central Park Avenue South Facade	16/01/15
PA A1 3503	01	Detailed Elevation Pedestrian Link with Block 4N West Facade	16/01/15
PA A1 3770	01	External Wall System - Typical Tower Setting Out	16/01/15
PA A1 3771	01	External Wall System – Bedroom - Cladding Type A	16/01/15
PA A1 3772	01	External Wall System – Balcony - Cladding Type B	16/01/15
PA A1 3773	01	External Wall System – Loggia - Cladding Type C	16/01/15
PA A1 3774	01	External Wall System – Bedroom Slot - Cladding Type D	16/01/15
PA A1 3775	01	External Wall System – Slot Corridor - Cladding Type E	16/01/15
PA A1 3776	01	External Wall System – Top of Building - Cladding Type F	16/01/15
PA A1 3777	01	External Wall System Podium Façade – Retail & Bedroom	16/01/15
PA A1 3778	01	External Wall System Podium Façade – Lobby & Balcony	16/01/15
PA A1 3779	01	External Wall System Podium Façade – Retail & Pool	16/01/15
Landscape Drawings prepared by Jeppe Aagaard Anderson + Turf Design Studio			
Drawing No.	Rev.	Name of Plan	Date
2	B	PROJECT DESCRIPTION	June 2014
3	B	PUBLIC DOMAIN	June 2014
4	B	STREET ELEMENTS	June 2014
5	B	GARDEN ROOF TERRACES	June 2014
6	B	LEVEL 16 – COMMUNAL TERRACE	June 2014
7	B	PLANTING PALETTE	June 2014

Subdivision Plans prepared by Denny Linker & Co			
Drawing No.	Rev.	Name of Plan	Date
080401 SL2 STG2 SUB		PLAN OF PROPOSED SUBDIVISION OF LOT 202 IN THE STAGE EXCAVATION AS BUILT SURVEY PLAN AND LOT 1 IN DP 807298	17/06/14
080401 SL2 STG1 SUB		PLAN OF PROPOSED SUBDIVISION OF LOT 12 IN DP 1194122 AND LOT A IN DP 430090	03/06/14
080401 SL2 SUD 4S		PLAN OF PROPOSED SUBDIVISION OF LOT 12 IN DP 1194122 AND LOT 1 IN DP 807298	22/05/14

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.
- A4 The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any strategies, plans, programs, reviews , audits, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

Limits on Consent

- A5 This consent will lapse five years from the date of consent unless the works associated with the application have physically commenced.
- A6 This consent does not approve
- strata subdivision;
 - commercial / retail fit out; or
 - signage.

Separate approval/s for subdivision and fitout of the building and signage must be obtained for this development/use, if required by the EP&A Act.

Obligation to Minimise Harm to the Environment

- A7 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.

Prescribed Conditions

- A8 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Long Service Levy

- A9 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

- A10 Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Works Prior to Construction Certificate

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

Compliance with the Building Code of Australia (BCA)

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

Design Modifications

- B3 Prior to the issue of the relevant Construction Certificate, amended plans and documentation are required to be submitted to and approved by the Secretary. Plans shall include:
- a) amendments to the floor plans for Levels 3 - 18 to incorporate an additional slot on the western elevation of the building (generally replicating the two slots on the eastern elevation with adjustments to the floor plate at Levels 16 to 18 to facilitate this change);
 - b) conversion of the following dual key apartments to single key apartments:
 - 1A and 18A on Levels 4 to 16; and
 - 12A at Levels 4 to 9;
 - 5A and 6A at Level 3; and
 - c) where the above changes result in the deletion of adaptable units, new adaptable units be incorporated into the revised plans to ensure a minimum of 15% of apartments are designed as adaptable units.
- B4 Prior to the issue of the Construction Certificate the applicant shall investigate the potential to improve the natural lighting of the lift lobbies on all floors and submit to the Secretary a report documenting the outcome of these investigations. The Construction Certificate shall not be issued until the Secretary has approved the report.

Design Verification Statement – Residential Flat Buildings

- B5 In conjunction with the plans required to be submitted by condition B3, and prior to the issue of a Construction Certificate for above ground works, the Applicant shall submit to the Secretary a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Basix Certification

- B6 In conjunction with the plans required to be submitted by condition B3, an updated BASIX certificate must be issued. The BASIX certificate must be submitted to the PCA with all commitments clearly shown on the relevant Construction Certificate plans.

Alignment Levels and Public Domain Plan

- B7 Prior to the issue of a Construction Certificate for above ground works alignment levels for the building and site frontages must be submitted to Council for approval and:
- a) shall be prepared by a Registered Surveyor in accordance with Council's Public Domain Manual;

- b) the alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for the relevant Construction Certificate; and
 - c) the alignment levels application must be made prior to or concurrently with the submission of the Public Domain Plan (**condition B8**).
- B8 Prior to the issue of the relevant Construction Certificate for above ground works a Public Domain Plan is required to be submitted for Council's approval. The Plan shall:
- a) detail all public domain works and ground level landscape works including details of the retention or provision of replacement street trees within the public domain and pedestrian areas of the site;
 - b) comply with Council's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Technical Specification*; and
 - c) be consistent with the submission/approval of the footpath alignment levels application (**condition B7**).
- B9 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. The details shall be incorporated into the plans submitted with the application for the relevant Construction Certificate.

Public Domain Damage Bank Guarantee

- B10 The following Public Domain Bank Guarantees must be lodged in accordance with the Council's adopted Schedule of Fees and Charges:
- a) a Public Domain Damage Deposit (calculated on the basis of four lineal metres of asphalt site frontage); and
 - b) a Public Domain Works Deposit (Council's Public Domain section must be contacted to determine the guarantee amount).

The Public Domain Bank Guarantees must be submitted as an unconditional bank guarantees in favour of Council.

The guarantees must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantees will be retained in full until the final Occupation Certificate has been issued and the relevant works (i.e any rectification works to the Public Domain required under a) or completion of Public Domain work required under b) above) 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.

Public Domain Works – Hold Points and Handover

- B11 Prior to an above ground Construction Certificate being issued for a new building work (excluding a Construction Certificate for structural works), excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.

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

Paving Materials

- B12 The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) 'Slip resistance classification of new pedestrian surface materials'.

Level 16 Terrace

- B13 Prior to the issue of a Construction Certificate for above ground works, a detailed landscape plan for the Level 16 terrace is required to be submitted to, and approved by the PCA. The landscape plan is to incorporate appropriate plantings, materials, and finishes to demonstrate a high quality open space area is provided to meet the recreational needs of residents.

Shopfronts

- B14 All shop front glazing must be clear and must not be obscured by blinds, curtains or the like. Security roller shutters must not be installed in the outside of the shopfront. Any security grille is to be a dark recessive colour, located on the inside of the shopfront, must be open grille / see through and not a solid metal type. Details of any security grilles (where proposed) are to be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

Pre-Construction Dilapidation Reports

- B15 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 (including the public domain site frontages, the footpath, 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) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the Council and each of the affected property owners.

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

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

Bicycle Facilities

- B16 Minimum bicycle parking on site or adjacent shall be provided as follows:
- 43 basement spaces for residents and employees exclusive of residential storage space; and
 - visitor bicycle parking spaces to be provided within the basement at the rate of 12 spaces plus 1 space per 10 dwellings.

- B17 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* except that:
- a) all bicycle parking for occupants of residential buildings must be Class 1 and / or Class 2 bicycle facilities. Notwithstanding Class 2, bicycle lockers may also be designed to allow for stand up / hanging storage of bicycles;
 - b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- B18 Storage, change room and shower facilities for the commercial uses shall be provided and designed to comply with the NSW Planning Guidelines for Walking and Cycling. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Car Parking

- B19 Car parking on site shall be provided as follows:
- a) residential car parking in accordance with the maximum rate within *Sydney Local Environmental Plan 2005*;
 - b) 5 retail tenant spaces;
 - c) 10 car share spaces;
 - d) 7 service vehicle spaces; and
 - e) 10 spaces for the use of the Brewery Yard.

Where necessary, amended basement plans demonstrating compliance with the above requirements shall be submitted to the satisfaction of the PCA prior the issue of the issue of the relevant Construction Certificate

- B20 Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the PCA prior the issue of the issue of the relevant Construction Certificate:
- a) all vehicles should enter and leave the subject site in a forward direction;
 - b) all vehicles are to be wholly contained on site before being required to stop;
 - c) parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicles where applicable;
 - d) appropriate pedestrian advisory signs are to be provided at the egress from parking areas;
 - e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority; and
 - f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, shall be in accordance with AUSTROADS.

Reflectivity

- B21 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Structural Details

- B22 Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Mechanical Ventilation

- B23 All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with Australian Standards, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

Storage and Handling of Waste

- B24 The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. Requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met to the satisfaction of the PCA.

Water

- B25 An application shall be made to the relevant water authority for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue the relevant Construction Certificate.

Installation of Water Efficient Fixtures and Fittings

- B26 All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the consent of the PCA, prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B27 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted for the approval of the PCA, prior to issue of the relevant Construction Certificate for services and finishes works.
- B28 New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B29 Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

Internal Lighting System

- B30 The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during off peak / non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the relevant Construction Certificate being issued.

Survey Marks and Infrastructure

- B31 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).

- B32 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.

Noise Mitigation Measures

- B33 Details of noise mitigation measures recommended in the Noise Impact Assessment prepared by Acoustic Logic consulting are to be detailed on the construction certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development is required to be submitted prior to the issue of the relevant Construction Certificate.
- B34 The proposed development should be designed such that road traffic noise from Broadway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of *State Environmental Planning Policy (infrastructure) 2007*.

Stormwater and Drainage Management

- B35 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.
- B36 The requirements of the relevant water authority with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of the relevant water authority to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.

- B37 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.
- B38 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.
- B39 Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council. The stormwater quality assessment must:
- a) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
 - b) use modelling from an industry-standard water quality model; and
 - c) demonstrate what water sensitive urban design and other drainage measures will be used to achieve a reduction in the baseline annual pollutant load for:
 - i) litter and vegetation larger than 5mm by 90%;
 - ii) total suspended solids by 85%;
 - iii) total phosphorous by 65%; and
 - iv) total nitrogen by 45%.

Erosion and Sediment Control

- B40 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom, the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney). Details are to be included in the CEMP submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works.

Construction Traffic Management Plan

- B41 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for consent, prior to the issue of a Construction Certificate.

Temporary Ground Anchors and Shoring and Permanent Basement/Retaining Walls

- B42 For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with Council.

Outdoor Lighting

- B43 Prior to the issue of the relevant Construction Certificate, a Public Domain Lighting Plan for pedestrian and street lighting in the public domain shall be submitted for Council's endorsement. The Plan shall be prepared in accordance with:
- a) where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - b) Council's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Technical Specification and Public Domain Manual*.

Evidence of Council's endorsement shall be submitted to the PCA prior to the issue of the relevant Construction Certificate.

Access for People With Disabilities

- B44 Prior to the issue of the relevant Construction Certificate, detailed design documentation demonstrating compliance with the recommendations of the Access Report submitted with the EIS shall be provided to the satisfaction of the PCA. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings.

Crime Prevention through Environmental Design (CPTED)

- B45 The recommendations provided in the CPTED Report prepared by Elton Consulting, dated 14 July 2014, shall be demonstrated on the architectural plans prior to the issue of the relevant Construction Certificate

Utility Services

- B46 If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to the relevant Construction Certificate being issued or the commencement of the use, whichever is earlier.
- B47 Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to the relevant Construction Certificate being issued.
- B48 A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.
- B49 To ensure that utility authorities are advised of the development, prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

Encroachment

- B50 No portion of the proposed structure shall encroach onto the adjoining properties unless the encroachment is contained within an appropriate easement which permits the encroaching structure to remain.
- B51 No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

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

Notice of Commencement of Works

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

Construction Environmental Management Plan

- C3. Prior to the commencement of relevant works on the Site, a detailed Construction Management Plan (CEMP) shall be prepared in consultation with Council, and submitted to the PCA. The CEMP shall be informed by the Construction Management Plan submitted with the EIS. The Plan shall address, but not be limited to, the following matters where relevant:
- a) evacuation and emergency egress capacity;
 - b) hours of work, in accordance with this development consent;
 - c) 24 hour contact details of site manager;
 - d) management of dust to protect the amenity of the neighbourhood;
 - e) use of hoardings and scaffolding;
 - f) way-finding signage;
 - g) erosion and sediment control;
 - h) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - i) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works;
 - j) incorporation of all acoustic management and treatments; and
 - k) the staging of works and simultaneous construction with other projects in the Central Park precinct.

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

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

Construction Noise and Vibration

- C4. Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public);
 - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) identification of all potentially affected sensitive receivers;
 - d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
 - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);

- f) where the objectives are predicted to exceed an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
- g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
- h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- i) measures to monitor noise performance and respond to complaints.

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

Construction Traffic and Pedestrian Management Plan

- C5. Prior to the commencement of any works on the Site, a Construction Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall address, but not be limited to, the following matters:
- a) ingress and egress of vehicles to the Site;
 - b) loading and unloading, including construction zones;
 - c) predicted traffic volumes, types and routes;
 - d) details of specific measures to ensure the arrival of vehicles to the site do not cause additional queuing on surrounding roads; and
 - e) pedestrian and traffic management methods.

Waste Management Plan During Construction

- C6. Prior to the commencement of any works on the site, a detailed Construction Waste Management Plan prepared by a suitably qualified person shall be submitted to the PCA. The plan shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete; and
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

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

- C7. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- C8. The Applicant must notify the Roads and Maritime Authority's Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the Site, prior to the commencement of the removal of any waste material from the Site.

Structural Details

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

- c) drawings and specifications comprising the Construction Certificate.

Vehicle Footway Crossing

- C10. A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

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

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

Associated Roadway Costs

- C11. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

Utility Services

- C12. Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Stormwater and Drainage Management

- C13. The existing stormwater management and drainage connections servicing the catchment areas are to be maintained at all times (during and after approved works). Where temporary or interim stormwater works are required, permission is to be sought from the relevant authority (Council or Sydney Water) prior to works commencing. If a drainage line is to be removed or altered, replacing drainage line must have similar or better capacity.

Signs at Egress

- C14. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- a) compelling drivers to stop before proceeding onto the public way;
 - b) compelling drivers to 'Give Way to Pedestrians' before crossing the footway; and
 - c) compelling drivers to 'Give Way to Pedestrians and Bicycles' before crossing a footway on an existing or identified shared path route.

PART D – DURING CONSTRUCTION

Road Occupancy Licence

- D1. A Road Occupancy Licence should be obtained from Roads and Maritime Services for any works that may impact on traffic flows on Broadway or Abercrombie Street during construction activities.

Hours of Work

- D2. The hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:
- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
 - b) between 7:00 am and 5:00 pm, Saturdays;
 - c) no work on Sundays and public holidays;
 - d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - iii) a variation is approved in advance in writing by the Secretary or her nominee.
 - e) all work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Lighting of Site During Construction

- D3. The intensity of lighting of the site, the hours of illumination and the location of the lighting must not cause objectionable glare or injury to the amenity of the neighbourhood. If in the opinion of the PCA or the Secretary, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury.

Erosion and Sediment Control

- D4. All soil erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. During the construction period:
- a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
 - b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
 - c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Waste Disposal

- D5. All waste generated on site must be classified and disposed of in accordance with the *Waste Classification Guidelines* (DECC 2008).

Approved Plans to be On-Site

- D6. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Site Notice

- D7. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer.

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

- a) the notice is to be able to be read by the general public;
- b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

Survey Certificate

- D8. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

Utilities

- D9. During works within the Site, the Applicant shall ensure the work in vicinity of Ausgrid's underground infrastructure, is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.
- D10. The Applicant shall be responsible for all public utility adjustment / relocation works, necessitated by the development and as required by the various public utility authorities and / or their agents.
- D11. The relocation of any TfNSW services or infrastructure is to be at the Applicant's cost and to TfNSW requirements and standards.
- D12. All works / regulatory signage associated with the proposed development is to be at no cost to TfNSW or RMS.

Construction Noise Management

- D13. 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 CNVMP (**condition C4**).
- D14. 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.
- D15. 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 CNVMP (**condition C4**).

- D16. Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the Site.
- D17. All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Vibration Criteria

- D18. 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;
 - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006);
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above; and
 - d) these limits apply unless otherwise outlined in the CNVMP (**condition C4**).

Work Cover Requirements

- D19. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Application for Hoardings and Scaffolding on a Public Place

- D20. A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place. Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted.
- D21. The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way and comply with the following requirements:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Hazardous and Industrial Waste

- D22. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:
- a) *Protection of the Environment Operations Act 1997*;
 - b) *Protection of the Environment Operations (Waste) Regulation 1996*;
 - c) *Waste Avoidance and Recovery Act 2001*;
 - d) *New South Wales Occupational Health & Safety Act 2000*;
 - e) *New South Wales Construction Safety Act 1912 (Regulation 84A-J)*;
 - f) *Construction Work Involving Asbestos or Asbestos Cement 1983*;
 - g) *The Occupational Health & Safety Regulation 2001*; and
 - h) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996*.

Covering of Loads

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

Access Driveways to be Constructed

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

Disposal of Seepage and Stormwater

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

Protection of Trees

- D26. No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D27. Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:
- a) Tree trunk and major limb protection shall be undertaken prior to or during the installation of any approved hoardings or scaffoldings. The protection shall be installed by a qualified Arborist (AQF 2 or 3) and must include:
 - i. an adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - ii. tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage,
 - iii. timber planks (50mm x 100mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion. Small trees with a trunk diameter of 200mm or less should be protected through the use of an exclusion zone; and
 - iv. tree trunk and major branch protection is to remain in place for the duration of construction and development works, and shall be removed at the completion of the project.
 - b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed;
 - c) Materials or goods, including site sheds, must not be stored or placed:
 - 1) around or under the tree canopy; or
 - 2) within two (2) metres of the trunks or branches of any street trees.
 - d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent to the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9673, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

Protection of Stone Kerbs

- D28. The existing stone kerbs on the Broadway Street frontage of the site is to be retained and properly protected during excavation and construction works.

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

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

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

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

Council approval is required before kerbs are removed and prior to the cutting of existing stone kerbs from stormwater kerb outlets.

Vehicle Cleansing

- D29. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Loading and Unloading During Construction

- D30. The following requirements apply:
- a) all loading and unloading associated with construction activity must be accommodated on site;
 - b) if, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council;
 - c) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities;
 - d) in addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level; and
 - e) the structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

No Obstruction of Public Way

D31. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Use of Mobile Cranes

D32. The following requirements apply:

- a) mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- b) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- c) special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7:30am without the prior approval of Council.

PART E PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Restriction on Use of Car Spaces – Residential Apartments and Mixed Use

- E1. The following conditions apply to car parking:
- a) the on-site car parking spaces, exclusive of service, car share, and Brewery Yard spaces, are not to be used other than by an occupant, tenant or resident of the subject building;
 - b) prior to an Occupation Certificate being issued, 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 and to the satisfaction of Council.

Access

- E2. 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, pursuant to Section 88B of the *Conveyancing Act 1919*.

Services

- E3. Documentary easements for services, support, drainage, shelter, use of plant and equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919* or registered as a shared facility in the strata management statement.

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- F1. An Occupation Certificate must be obtained from the PCA 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.

Public Domain Works

- F2. The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plan (**conditions B7 and B8**) prior to the issue of any Occupation Certificate or before the use commences, whichever is sooner.

Public Domain Lighting

- F3. The external lighting works are to be completed in accordance with the approved Public Domain Lighting Plan (**condition B43**) prior to the issue of any Occupation Certificate or before the use commences, whichever is sooner.

CPTED

- F4. All the CPTED works listed in the CPTED Report prepared by Elton Consulting, dated 14 July 2014 for the development must be fulfilled prior to the issue of any Occupation Certificate.

Mechanical Ventilation

- F5. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) the development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade.

Road Damage

- F6. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

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

Environmental Performance and BASIX

- F7. Prior to the issue of the final Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a design rating of 5 stars using the Multi-Unit Residential v1 tool rating as established by the Green Building Council of Australia.
- F8. All commitments listed in the BASIX Certificate (as referred to in **condition B6**) for the development must be fulfilled prior to the issue of the relevant Occupation Certificate.

Post-Construction Dilapidation Report

- F9. Prior to the issue of an Occupation Certificate:
- a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;
 - b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) a copy of this report is to be forwarded to the Council and each of the affected property owners.

Fire Safety Certification

- F10. Prior to the issue the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.

Structural Inspection Certificate

- F11. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of the relevant Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Green Travel Plan

- F12. A Green Travel Plan must be submitted to and approved by the PCA prior to the Occupation Certificate for the site / use being granted.

Waste Disposal

- F13. All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).
- F14. Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- F15. Prior to the issue the relevant Occupation Certificate details shall be submitted to the satisfaction of the PCA that waste handling works have been completed in accordance with **condition B24**.

Plan of Management For Landscape Maintenance

- F16. A plan of management for the ongoing maintenance of landscaped areas within common communal areas and the public domain is to be prepared and adopted by the Owners

Corporation. The maintenance plan is to be complied with during the occupation of the property.

Installation of Water Efficient Taps

- F17. 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. Certification is to be submitted for the consent of the PCA, prior to a relevant Occupation Certificate being issued.

Acoustic Compliance

- F18. Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all recommendations of the Noise Impact Assessment prepared by Acoustic Logic and the development achieves compliance with the requirements of *State Environmental Planning Policy (Infrastructure) 2007* and other guidelines applicable to the development.

Registration of Easements

- F19. Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Completion of Central Thermal Plant and associated infrastructure

- F20. Prior to the issue of any Occupation Certificate for residential units, the Applicant shall provide to the PCA evidence that all that all works approved under MP08_0253 are fully completed.

PART G – POST OCCUPATION

Loading and Unloading

- G1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site at all times.

Unobstructed Driveways and Parking Areas

- G2. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Parking on Common Property Areas

- G3. No part of the common property, apart from the car share spaces which are to be used only by car share operators, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats.

Noise Control – General

- G4. The emission of noise associated with the use, the operation of any mechanical plant and equipment shall comply with the following criteria:
- a) the LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence;
 - b) the LAeq,15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW;
 - c) the background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997- Description and measurement of environmental noise; and
 - d) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- G5. 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 8 kHz 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 - 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; and
 - c) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.
- G6. 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 8 kHz inclusive) when assessed inside any commercial premises provided that:

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- a) the LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the commercial premises closed;
 - b) the LA90,15minute noise level shall be measured in the absence of noise emitted from the use but with the ventilation equipment (including air-conditioning equipment) normally servicing the commercial premises operating;
 - c) the use of the premises shall be controlled so that any emitted noise is at a level so as not to create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected residence;
 - d) in this clause, the term 'noise level emitted from the use' means the contributing noise level from the use in isolation to any other ambient noise and account must therefore be taken of the LAeq,15minute when the use is not in operation; and
 - e) in circumstances where this development application refers to a modification or addition to an existing use, the background noise level referred to in this clause pertains to the LA90, 15minute noise level measured in the absence of all noise from the site.

Noise Control – Mechanical Plant And Equipment

- G7. Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- a) transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected receiver; and
 - b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

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

Use of Communal Terrace

- G8. All residents of the building are to have access to the roof terrace. Use of the Level 16 terrace is restricted to residents and their guests of the development only. There is to be no PA or amplified music played on the terrace. To ensure minimal impact on adjoining apartments within the building as well as surrounding properties the hours of use of the terrace shall be restricted to between 8.00am to 10.00pm 7 days per week. Any increase in hours of use will need to be formally submitted to and endorsed by Council. The submission shall include a report from and Acoustic Consultant verifying that there is no impact on adjoining apartments within the building or surrounding sites.

No Speakers or Music Outside

- G9. Speakers must not be installed and amplified music, PA systems or the like, must not be played or used in any of the outdoor areas associated with the premises including the public domain.

Storage of Hazardous or Toxic Material

- G10. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Anti-Graffiti

- G11. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public places is to be removed within 48 hours.

Public Way to be Unobstructed

- G12. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

Public Domain Defects and Liability Period

- G13. All works to the Council'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 on the Certificate of Completion for public domain works.

Annual Fire Safety Certification

- G14. The owner of the building shall certify to Council every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Restriction on Residential Development

- G15. The restriction applies to the components of the buildings approved for residential use:
- a) the accommodation portions of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2012;
 - b) the dual key apartments must not be subdivided into separate lots;
 - c) no more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets;
 - d) the total number of adults residing in one apartment shall not exceed twice the number of approved bedrooms;
 - e) Studies are not to be used as bedrooms in any circumstances;
 - f) if an apartment contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months;
 - g) an owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building; and
 - h) car parking spaces may only be used for parking. No storage should take place for commercial businesses in car parking spaces.

Environmental Performance

- G16. Within 12 months of the issue of the final Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved an as built rating of 5 stars using the Multi-Unit Residential v1 tool rating as established by the Green Building Council of Australia.

ADVISORY NOTES

Appeals

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Other Approvals and Permits

AN2 The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, barricade 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.

Street Numbering

AN4 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or changes to street numbers are required, a separate application shall be made to the Council.

Temporary Structures

AN5 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

AN6 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Asbestos Removal

AN7 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or 'Demolition Licence' and a current WorkCover Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: '*Code of Practice for the Safe Removal of Asbestos*'.

Site Contamination Issues During Construction

AN8 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Below Ground (Sub-Surface) Works – Non-Aboriginal Relics

AN9 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

AN10 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.