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Brendon Roberts
Team Leader, Key Sites Assessments
NSW Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mr. Matthew Rosel, Consultant Planner
email: matthew.rosel@planning.nsw.gov.au

Dear Matthew,

RE: SSD 6633, Darling Square - Mixed Use Residential Building within the South East Plot (SSD 6633)

I write in relation to the Department's email dated 21 June 2016 which referred to the Response to Submissions regarding State Significant Development Application SSD 6633, for a mixed use residential building within the South East Plot at Darling Square.

We have reviewed the Response to Submissions Report and the supplementary documentation. The proposal remains, in the City's view, unacceptable due to amenity concerns and significant departures from the requirements of the Apartment Design Guide. The City is strongly opposed and objects to this proposal in its current form.

Attachment A is a table summarising the City's review of the Response to Submissions. The table nominates the issues raised within the City's original submission, outlines the applicant's response to the issues raised, and discusses the City's sustained contention in relation to the project where applicable.

Should the Consent Authority elect to approve the application, which we strongly object to, recommended conditions of consent are provided as Attachment B.

In addition to the comments raised in our original submission, additional concerns are outlined below.

Flooding

A number of the proposed retail tenancies do not comply with the City's Interim Floodplain Management Policy in regard to acceptable flood planning levels. The City does not support a reliance on an 'appropriate barrier system' to protect floor levels that sit below the minimum flood planning level appropriate for this type of use.

Adaptable Units

According to the drawings, only 10 of 391 units proposed are adaptable (2.5%). The Sydney DCP 2012 requires at least 15% of dwellings to be adaptable, which would require another 49 apartments to be adaptable. The City strongly supports a substantial increase in the provision of adaptable units on this site, and in our view the 15% requirement is entirely reasonable.

All adaptable units should be genuinely adaptable (i.e. not require demolition and reconstruction works or the relocation of wet areas away from where the wet areas are stacked on other floors), and each adaptable unit should be allocated an accessible car parking space.

The City notes that the required quantum of adaptable units could easily be increased by a further 46 units by replicating the adaptable layout of apartments SE1 08 and SE1 09 throughout tower SE1.

Servicing

Council Vehicle Waste Servicing

The swept path analysis undertaken is based on an 8.8m long service vehicle. The driveway must be designed to accommodate a 9.25m Council Waste Vehicle, as it is likely that Council's largest vehicle will be required to access the site given the overall size of the development. This is a requirement of the Sydney DCP 2012 Section 3.11.13 (3a).

Further to the above, it is necessary for the loading dock to be designed in accordance with Section 3.11.13 of the Sydney DCP 2012. More specifically, the development must ensure that vehicle access for collection and loading will provide for:

- a 9.25m Council garbage truck and a small rigid delivery vehicle;
- minimum vertical clearance of 4.0 metres, or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
- collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
- maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
- a minimum driveway width of 3.6m; and
- a minimum turning circle radius of 10.5m.

The loading dock must also accommodate the requirements of a Medium Rigid Vehicle with a head clearance of 4.5m.

Loading Management Plan

A loading management plan should be provided to demonstrate how the dock will be managed. The on-site loading area is to be available to all tenancies of the particular building. This shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants and residents to reserve a time period for their deliveries. This information is to be made available to all tenants of the building.

Bicycle Parking

The bicycle parking provision for the site is inadequate and insufficient to cater for the transport needs of the site. The development should be seeking to encourage Sustainable Transport and Active Transport; however it fails to provide the infrastructure to encourage genuine modal shift away from the motor vehicle.

It is recommended that the site provide bicycle parking at a similar rate to that of the Sydney DCP 2012. Other developments of this size in the surrounding areas would provide the following:

Bicycle Parking Type	Number	Requirements
Residential	391	Spaces must be Class 2 bicycle facilities
Residential visitor	40	Spaces must be Class 3 bicycle rails

Notes: Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.

The provision of Class 1 storage cages as part of the bicycle parking amenity might be acceptable for a limited number of spaces however in this instance Class 2 bicycle parking are preferred. It is also noted that:

- a) The space allocated for class 1 bike lockers is too small. It appears that some of the proposed storage areas may be insufficient i.e. smaller than the required dimensions of a class 1 bicycle locker (1015mm x 1840mm).
- b) The layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- c) Bike parking areas are to be a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each.
- d) Bicycle Parking is to be provided on uppermost level of the basement. It is not acceptable from a practical or safety point of view to require cyclists to ride down to Basement level 3. The provision of class 1 bicycle parking does not diminish this requirement.
- e) Visitor parking should be class 3 facilities (known as Class 'C' in the latest Australian Standards) and provided as per AS2890.3:2015 and be provided at an accessible at-grade location. Bicycle parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted. The City recommends relocating the bicycle parking for visitors to a location onto the street (but within the SE Plot Boundary) or locating the parking closer to the retail area (noting that it should be obvious for the visitor from the street where the visitor parking is located). In our view, the 45 visitor and retail bicycle parking spaces located on the podium ground floor, are very poorly located and are not accessible from Harbour Street due to the location of the shutter door.
- f) Not enough information has been provided regarding the commercial component to make an estimate on the bicycle parking provision for these uses at this stage.

- g) Due to the obscured location of the proposed bicycle parking, way finding signage is to be provided to direct cyclists to bicycle parking. It is Council's preference that a directional signage plan be provided which gives direction from street to bicycle parking facilities which easily shows a cyclist how to find the facilities in the basement. Refer to Australian Standard AS 2890.3:2015 for details.

Street Trees

The *South East Plot and Public Domain Planting Plan* (drawing. no 14076-SSDA9-04) prepared by Aspect Studios dated July 2015 proposes new street tree planting.

The City request that tree planting is not undertaken by the developer. The City's tree management team is responsible for managing and maintaining all trees within the Public Domain. Due to the reoccurrence of inheriting poor quality trees from developers, it is preferable that Council undertakes any new plantings.

Stratum Subdivision

It is strongly recommended that the retail and residential components of the building are subdivided into two separate stratum lots, and are the subject of two separate strata schemes for the ongoing smooth operation of the building. It is also recommended that an overarching strata management statement or building management statement is registered.

Future Amendments

If the design is amended, the City requests an additional opportunity to provide additional comments.

Should you wish to speak with a Council officer about the above, please contact Christopher Ashworth, Senior Planner, on 9246 7757 or at cashworth@cityofsydney.nsw.gov.au.

Yours sincerely,



CHRISTOPHER CORRADI
Area Planning Manager

ATTACHMENT A

REVIEW OF RESPONSE TO SUBMISSIONS

Issue	Applicant's Response	Issue Addressed?	City's Contention
SEPP 65 and Apartment Design Guideline (ADG) compliance			
It is the City's view that the amenity of the proposed apartments require improvement. Solar access is achieved to 47% of apartments where 70% is design criteria in objective 4A-1. Also contributing would be undersized 1 bedroom apartments at 45sqm and non-compliant living room widths. Alternative apartment layout, orientation, mix and positions should be achieved to increase amenity and be closer to ADG objective 4D-1, 4D-2 and 4D-3. The proposal includes internalised studios which are not compliant with the ADG. Also, building separation distances do not comply with the ADG and no privacy or acoustic mitigation mechanisms are incorporated.	All matters relating to consistency with the ADG have been addressed in the covering Response to Submissions Report and at Appendix G. The proposal is entirely consistent with the objectives of the ADG and the approved Concept Proposal envelopes. Visual privacy and acoustic measures have been implemented into the South East Plot as required to ensure an appropriate level of amenity is achieved.	No	The proposal remains non-compliant with the ADG. South facing apartments 30% of apartments do not receive any solar access at midwinter. This is double the maximum permitted by the ADG and is unacceptable and unsupportable. The number of affected apartments could be reduced through consolidation to provide a reduced number of larger apartments. Minimum apartment sizes 62 of 391 apartments proposed (16%) do not meet the minimum size requirements of the ADG. Specifically: • 23 one bedroom apartments are 48-49m²; and • 39 two bedroom apartments are 61-69m², with 12 being smaller than 65m². This level of non-compliance is significant and unsupportable. It is noted that only 13 of the proposed apartments have three bedrooms (3%). The City is of the view that the floorplate layouts should have been redesigned to remove all undersized apartments and provide more three

Issue	Applicant's Response	Issue Addressed?	City's Contention
			bedroom apartments. This could be achieved through apartment consolidation. Room dimensions The submitted documentation states that 224 (57%) apartments do not comply with the ADG's minimum requirements for room sizes or dimensions. This is clearly unacceptable and is unsupportable. It is noted that many apartments that do not meet the minimum size requirements are also non-compliant with the ADG's internal design guidance, including requirements that: • a window should be visible from any point in a habitable room; • 2 bedroom apartments have a minimum living room width of 4m; • bedrooms have a minimum dimension of 3m; and • wardrobes in second bedrooms have a minimum length of 1.5m. As an example, L2 Apt SE1 01, SE1 02, SE1 03 (repeated on all levels up to L5) do not have sufficient frontage to support both bedrooms, resulting in windows not being visible from all points in the second bedroom.

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			Apt SE1 02 has an internal area of 62m², a non-compliant living room width of 3.4m, minimum bedroom dimensions of 2.8m and a 1m long robe in the second bedroom. The ADG notes that alternatives can be discussed on their merits and suggests providing furniture layouts to demonstrate adequate circulation space. Using the apartments referred to above as an example, the indicative layouts demonstrate that there is insufficient space for both furniture and circulation, and access to the balcony is cumbersome. In addition, the quality of natural light within the second bedroom is poor, given that the window is recessed and not located on an external wall. The overhanging balcony further reduces available light. The deficiencies referred to above are clearly unacceptable, and will undoubtedly result in amenity impacts to future residents. These issues could easily be resolved through consolidation, to provide larger apartments with additional frontage and improved layouts. Balconies The applicant states that the Sydney DCP permits 25% of apartments not to be provided with a balcony. Clause 6A of SEPP 65 states that DCP provisions relating to balconies no longer apply.

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			Accordingly, there is no argument to be made that providing all apartments with a balcony, even if they do not comply with minimum size requirements, achieves an improved outcome over DCP requirements. The ADG has set a higher minimum standard and the DCP's balcony controls are no longer relevant. 205 of 391 of apartments proposed (52%), do not meet the minimum balcony size requirements. This is clearly unacceptable, and is unsupportable. Lift to apartment ratio The ADG requires no more than 40 apartments to be serviced by one lift. This proposal will result in 97 apartments being accessed by one lift, which is 2.4 x the maximum. This issue will be exacerbated if a lift malfunctions, which can result in extended periods of reduced service. This will become increasingly problematic as the building ages. Conclusion Non-compliance with the above controls will result in apartments with cramped living spaces and poor amenity. The city therefore strongly objects to the proposal. Approval of this highly non-compliant scheme would significantly undermine the status of the ADG and set a highly undesirable precedent. The

Issue	Applicant's Response	Issue Addressed?	City's Contention
			ADG is a relatively new document, and the effective abandonment of its key guidelines through approval of this scheme would have significant strategic implications for residential flat development across the State.
Car park screening via landscaping			
The DA drawings indicate planter beds along the aboveground car parking at Level 1. This appears to be the only use of landscaping in the Darling Square development to screen car parking. Behind the landscaping is a screening element. The facade should successfully screen the car park regardless of the success of the planting. Future maintenance by a strata plan is also unlikely to sustain a quality outcome. The City would support the removal of the landscaping and more detail being provided on the quality of the physical screening.	As outlined above, a high quality screening treatment will be provided to the Little Hay Street frontage, regardless of the success of the proposed landscaping. It is confirmed that the Strata Management Statement will require the implementation of a maintenance regime and general management of the planter boxes, ensuring that the proposed landscaping is cared for and is successful.	No	The City's concerns have not been fully addressed. While the principles (soil volume, irrigation, plant selection) seem acceptable, maintenance is key. The statement that 'access points will be provided to ensure care and maintenance tasks can be undertaken such as pruning and pest removal' has not yet been proven on the drawings.
Accurate Stage 1 Parameter Plans			
As was raised in the City's submission to the Stage 1 DA, the parameter block plans for the	The South-East Plot is the sixth application progressed under the Darling Square Concept Proposal	No	The City's concerns remain unaddressed.

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North Plot and South-East Plot are substantially larger than their Stage 2 DA counterparts. The Stage 1 DA plans should reflect the Stage 2 DAs. There is no reason to bulk up the Stage 1 envelopes. This sets an expectation that envelopes may change in Stage 2 DAs or through later modifications, bringing with it increased environmental impacts.	(SSD 13_5857), representing one of the final applications to be progressed in accordance with the Stage 1 Approval. The Concept Proposal established a maximum building envelope for each plot and an approved maximum GFA within the entire Darling Square development area. The built form of the South East Plot has been informed by the guiding approved Concept Proposal and is completely within the maximum building envelope established by the Concept Proposal and does not exceed the GFA for the Darling Square site (as proposed to be amended). A full assessment of the proposal's consistency with the approved Concept Proposal was provided with the exhibited EIS. It was determined from this assessment that the South East Proposal is generally consistent with the approved Concept Proposal. As such, the proposal is considered appropriate and in accordance with the Stage 1 Approval.		
Wind Effects			
The City requests that the Applicant confirm whether the	As discussed above, this matter has been addressed in the covering	Partially	The amended plans incorporate wind protection measures on the podium. The City remains

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findings and recommendations of the wind assessments for the North Plot and South-East Plot are capable of being incorporated. For example, significant wind effects are predicted at the ground level and podium levels of the South-East Plot, negative effects not compatible with outdoor dining are predicted along Little Hay Street. The City has consistently raised the need for the tower forms of the Darling Square development to be setback from the podium edge at least 5m to mitigate downdrafts. This is a standing recommendation. The Stage 2 DA should incorporate all necessary wind mitigation measures at this stage.	Response to Submissions Report and is outlined in the updated wind assessment (refer to Appendix J).		concerned that wind conditions in the public domain at ground level have been compromised due to the strategy of building to the perimeter edge.
Public Art Strategy			
A revised Public Art Strategy has been lodged to the Department and has since been presented by	The public art to be provided within Darling Square is being delivered and co-ordinated in a site-wide	No	The City's concerns remain unaddressed.

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the Applicant and their public art consultant to the City of Sydney Public Art Advisory Panel (PAAP). The budget that appears to be allocated by the Applicant for public art is not commensurate with the scale and cost of the development. The Applicant should be requested to confirm their budget for public art. The City recommends the allocation of 1% of the total Darling Square capital investment value to public art projects in the public domain.	manner, therefore the approach of the South East Plot is consistent with the previous approved plots. Public art is one of many social benefits which will be delivered through the Darling Square development, and more importantly, through the overall redevelopment of the Sydney International Convention, Exhibition and Entertainment Precinct. It is important to consider this public benefit in line with the other benefits to be provided through the project. Ultimately, the public art to be delivered in the precinct will greatly enhance the urban fabric and visual interest provided in the locality, vastly improving the appearance of the area when compared to the existing situation.		
Affordable Housing			
The Applicant has continually put the view forward that student housing within the West Plot satisfies affordable and key worker housing in Darling Square. The City's previous submissions on the Stage 1 DA, North-East Plot Stage 2 DA and South-West	The proposal for the South East Plot is consistent with previous stages of Darling Square in providing new housing to overcome Sydney's current undersupply of housing. Investigations of additional forms of housing that are affordable have been undertaken on a site wide	No	The City's concerns remain unaddressed. Student accommodation is not affordable housing, and the City is very concerned that a final opportunity to provide affordable housing for key workers directly adjacent to the CBD will be lost.

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Plot Stage 2 DA identified that a minimum of 10%, and preferably 20%, of the residential GFA should be allocated as affordable or key worker housing. This desire stands in relation to the South-East Plot DA. The South-east Plot is now the remaining opportunity within one of the last remaining large-scale renewal projects in the City capable of containing key worker housing. Access to affordable housing is an essential component of an inclusive, dynamic and sustainable city.	basis, as expressed in past applications. Within the overall SICEEP precinct a variety of housing types and sizes will be provided that will inform a diverse range of prices. Affordable housing options are to be provided in the form of student housing, consisting of 1303 beds. The delivery of this form of affordable housing is considered the most desirable due to the locational advantages of nearby tertiary institutions, as well as proximity to key transport hubs, facilities and services. This approach has been agreed and approved in previous stages of Darling Square.		
Public Domain Works			
The South-East Plot contains a draft concept for street tree planting, paving, lighting and parking along Harbour Street <i>"outside of the site boundary and owned by Council"</i>. The site boundary this refers to cuts the existing Harbour Street footpath in two. The Applicant is proposing to pave half of the footpath and leave the remainder	Efforts have been made by the proponent to instigate discussions on and resolve the design and delivery of Harbour Street public domain, including arranging meetings/consulting with Council (as the landowner and roads authority), Transport for NSW (including RMS) and the City Centre Transport Taskforce. The outcome from these discussions reveals that there is at	No	The proposed boundaries of the site scope are not supported. The City is of the view that the full width of both the Harbour Street and Hay Street frontages should be included in the works to ensure continuity and integration with the surrounding streets.

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to be "refined and finalised" later. Commitment to funding the footway upgrade is absent. This approach is not acceptable to the City. The City has raised the project's lack of integration with the surrounding street network in <u>all</u> of its submissions on Darling Square to date and this highlights the issue. An arbitrary boundary dictated by the former control lines of Infrastructure NSW must not result in negative environmental impacts through incomplete streetscape upgrades and unresolved integration with surroundings.	present differing views (between principally Council and TfNSW) as to what the ultimate form of the Harbour Street should be, therefore it has been difficult to come to a resolution on a final design outcome. Lendlease is committed to achieving a more pedestrian friendly environment on Harbour Street, with a draft Concept for that land along Harbour Street outside of the site boundary and owned by Council included within the Public Domain Drawing prepared by Aspect. This approach of providing a draft concept is consistent with the approved strategy in the North East Plot SSDA.		
The North-East Plot SSD consent contains the following condition. This condition does not extend far enough to specify who shall deliver the streetscape upgrades. <i>Prior to the issue of the relevant Construction Certificate, the</i>	Consistent with other applications Lendlease will continue to work collaboratively with all stakeholders including Council to ensure the best outcome for the precinct including integration the site with the surrounding street network. Ultimately, the final decision on the design and funding is the subject of further detailed	No	The applicant states that they are "<i>seeking to continue to work collaboratively with all stakeholders including Council, to ensure the best outcome for the precinct including integration the site with the surrounding street network.</i>" However they have not given any commitment to funding this work.

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<i>Applicant shall consult with TfNSW, RMS, Council and the CBD Taskforce (Key Stakeholders) about design options for the Harbour Street layby, which shall include the potential for the removal of some or all of the coach parking bays, build out of the kerb line, improvements to the public domain and street tree planting. This shall include identification of possible alternative coach parking spaces to offset any loss of parking.</i> <i>Following consultation with the Key Stakeholders and resolution of the matter, the Applicant shall submit to the Department, and the</i>	discussion/resolution/collaboration with these key and other stakeholders and is a matter that is able to be dealt with through the detailed design/construction phase of the project. Given the nature of the matter, a similar condition to that provided in the North East Plot is considered appropriate.		

Issue	Applicant's Response	Issue Addressed?	City's Contention
<i>Key Stakeholders, a copy of the final design of the Harbour Street layby area.</i> The City requests conditions that specify an obligation on the Applicant to deliver works on the Harbour Street layby for both the North-East Plot and the South-East Plot. Appropriate timing is considered to be completion of works prior to the issue of an Occupation Certificate for the South-East Plot.			
Noise Impacts			
The facades and all glazing of the South-East Plot should be designed to mitigate entertainment noise from the Square and retail tenancies at ground floor level to residential uses above. An assessment of the cumulative entertainment noise should be made at this stage rather than left to mitigation measures, or curtailed operating parameters, during the formation of retail tenancy applications.	All noise affected apartments on Levels 2-5 will be provided with acoustic glazing as required to ensure an appropriate internal noise environment is achieved. Wood & Grieve Engineers have prepared an acoustic letter assessing the proposed approach and confirming the appropriateness of the heavy glazing (refer to Appendix I).	Partially	The required acoustic testing has not been carried out as requested. The City remains concerned that this will result in amenity impacts, and conditions of consent on future applications to restrict trading hours to preserve residential amenity.

Issue	Applicant's Response	Issue Addressed?	City's Contention
Testing the noise scenario based on "worst case" with all tenancies and the square operating at full outdoor capacities is a more rigorous approach than tenancy-by-tenancy later.			
Mechanical Ventilation			
To avoid future adverse air quality discharge from retail tenancies, including animal fats, grease, smoke and odours, the Applicant should be requested to determine the targeted mechanical capacities of the retail tenancies and their discharge. The design or limitations of mechanical systems may determine how retail spaces are occupied or where a discharge point may be required. This is especially so given the recent popularity of charcoal, wood fire and other solid fuel cooking methods. A thorough analysis of potential food preparation tenancies should be carried out at this stage to ensure the final design is capable of accommodating demand.	The retail use and associated design assumptions within the South East Plot have been carefully considered to promote diversity and flexibility for the occupation of the tenancies. Residential amenity is an important consideration in a mixed-use precinct, particularly with regard to the location and treatment of kitchen exhaust. In this regard, all ground floor tenancies have been designed such that targeted mechanical capacities of the retail kitchen exhaust will be ducted through Building SE2 and out the roof via a mechanical plant room which will include appropriate filtration. Various methods of cooking have been considered in the mechanical design which provides for most applications, however, supplementary filtration will be able to be added by retail	No	The City's concerns remain unaddressed.

Issue	Applicant's Response	Issue Addressed?	City's Contention
	operators at the cooking source as required.		

ATTACHMENT B

RECOMMENDED CONDITIONS OF CONSENT

RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The 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.
- (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 apartments 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.

ARCHAEOLOGICAL FIELD WORK REPORT

If any archaeological works are carried out on the site, a copy of the archaeological field work report is to be submitted to Council for retention in the City of Sydney archives.

HERITAGE INTERPRETATION

A heritage interpretation plan for Little Hay Street must be prepared in consultation with Council, and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate.

The strategy must address public art, signage, and materials, to ensure a consistent streetscape is achieved in extending Little Hay Street into the Darling Square Precinct.

The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Prior to an occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Urban Design and Heritage Manager.

PUBLIC ART

A Public Art Strategy must be submitted to and approved by Council's Area Planning Manager prior to issue of a Construction Certificate. The public artwork must be in accordance with the Sydney DCP 2012 and the Public Art Policy. Installation of the

art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.

ALLOCATION FOR VISITOR PARKING

Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.

All spaces must be clearly marked 'visitor' prior to the issue of an occupation certificate or the use commencing, whichever is earlier. All signs must be maintained in good order at all times.

ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

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

ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	142
Accessible residential spaces	59
Residential visitor spaces	0
Subtotal	201
Motorcycle parking [A]	5
Car share parking	4
Service vehicle spaces	3
Small Rigid Vehicle loading dock(s) – to accommodate a Council Waste vehicle 9.25m [B]	1
Medium Rigid Vehicle loading dock(s) [C]	1
Total	

Notes:

- a. Number of motorcycle spaces are standard car spaces. Alternatively the proponent may provide motorcycle spaces (dimensions of 1.2mx2.5m per Australian Standards). In this case 17 motorcycle spaces are required.
- b. The waste collection must meet the conditions of DCP12 Section 3.11.13, namely that vehicle access for collection and loading will provide for:
 - i. a 9.25m Council garbage truck and a small rigid delivery vehicle;

- ii. minimum vertical clearance of **4.0 metres** for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle.
- c. The medium rigid vehicle must comply with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:
 - i. a 8.8m truck such as a removalist vehicle;
 - ii. minimum vertical clearance of **4.5 metres**.

ASSOCIATED ROADWAY COSTS

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

BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	391	Spaces must be Class 2 bicycle facilities
Residential visitor	40	Spaces must be Class 3 bicycle rails

Notes:

- (i) *Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class "B", and class 3 as class 'C'.*
- (ii) ~~A basement storage area on title that is large enough to store a bicycle and is no smaller than a Class 1 bicycle locker can be counted as a bicycle parking space.~~
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the **Construction Certificate** being issued.

CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

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

All costs associated with the parking proposal will be borne by the developer.

Note: The applicant should contact Council's Area Traffic Engineer to discuss the proposal before making a submission.

COST OF SIGNPOSTING

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

INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with *Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*.

ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with 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.

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.

ASSOCIATED ROADWAY COSTS

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

PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME - APPLICATION OF CITY OF SYDNEY PARKING POLICY

All owners, tenants and occupiers of this building are advised that it is the Policy of Council that they are not eligible to participate in any existing or proposed Council on-street resident parking schemes. The owner of the dwelling must advise all intending owners, tenants and occupiers of the dwelling of this prohibition in writing at the time of entering into a purchase / lease / occupancy agreement.

SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

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 of the building***.

SECURITY GATES

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

SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a **construction certificate**. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

SIGNS AT EGRESS

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; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

STACKED OR TANDEM PARKING EMPLOYEES OR TENANTS ONLY

Any stacked or tandem parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked or tandem parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued. The moving of stacked or tandem vehicles must occur wholly within the property.

TRAFFIC WORKS

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

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: Construction materials must reinforce the priority of pedestrian movement over that of the crossing vehicle.

NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the following:
 - (i) The $L_{Aeq, 15 \text{ minute}}$ 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.

- (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15 \text{ minute}}$ / rating $L_{A90, 15 \text{ minute}}$ 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.
 - (iii) Modifying factors in Table 4.1 of the *NSW EPA Industrial Noise Policy* are applicable.
- (b) An $L_{Aeq, 15 \text{ minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15 \text{ minute}}$ 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 or noise sensitive commercial premises provided that;
- (i) Where the $L_{A90, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f 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 T_f corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The $L_{Aeq, 15 \text{ minute}}$ noise level and the $L_{A90, 15 \text{ minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) 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.
 - (iv) 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.
 - (v) 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.

CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport

and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

DISCHARGE OF CONTAMINATED GROUNDWATER

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.

ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any demolition and remedial works an Environmental Management Plan (EMP) must be prepared for the site and submitted to the City's Area Planning Manager for written approval prior to the commencement of work. The EMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Environmental Management Plan.

IMPORTED FILL MATERIALS

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

LAND REMEDIATION (Where Site Auditor engaged)

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Coffey dated 13 January 2014 and referenced ENAURHOD04498AA and any Letter of Interim Advice. All remediation work carried out shall be conducted in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site

contamination must be immediately notified to the Council and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work.

NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

REGISTRATION OF COVENANT

A covenant shall be registered on the title of the land and a copy of the title submitted to the City's Area Planning Manager and the Principal Certifying Authority prior to the issue of an Occupation Certificate, giving notice of the former land use and contamination of the site and the existence of any remaining encapsulated contaminated material which are subject to ongoing environmental management.

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

SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.
- (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City in accordance with this condition.

STOCKPILES

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

- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

UNDERGROUND STORAGE TANK REMOVAL

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the *Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)* and *AS4976-2008 The removal and disposal of underground petroleum storage tanks*. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

ACID SULFATE SOILS

Should there be more than 1 tonne of soil excavated from the site;

- (a) Submit to Council an Acid Sulfate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 that are classified as being in an Acid Sulfate Soils zone Class 2. The ASSMP must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks.
- (b) All works are to be in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone Class 2.

MECHANICAL VENTILATION

- (a) 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*.
- (b) 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.

- (c) 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.

MICROBIAL CONTROL IN WATER SYSTEMS

- (a) 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.
- (b) 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.
- (c) 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:
 - (i) *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.
 - (ii) 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.

ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) 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.
- (b) 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).

- (c) 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.

PAVING MATERIALS

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

PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

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.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

PUBLIC DOMAIN PLAN

- (a) 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 and be approved by Council 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 address the full width of the Harbour Street and Hay Street frontages.
- (b) 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.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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

- (a) 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*.
- (b) 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.

PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Harbour Street frontage of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be

approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.

- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) 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.
- (e) 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.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

Note: Contact Council's Legal Unit prior to the drafting of the positive covenant.

- (e) 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.
- (f) 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:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

Prior to the issue of any Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the Certifying Authority and a copy provided to Council.

DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

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.

PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 2 lineal metres of stone paver Harbour Street site frontage and 4 lineal metres of stone paver Hay Street 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.

PUBLIC DOMAIN LIGHTING

- (a) Prior to a Construction Certificate for public domain works or above ground building works being issued, whichever is later, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to and approved by Council. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Design Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) Vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) The location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) Footing locations and structural details;
 - (iv) Location and details of underground electrical reticulation, connections and conduits;
 - (v) Certification by a suitably qualified, practicing lighting engineer or lighting designer to certify that the design complies with City policies and all relevant Australian Standards including AS 1158, AS 3000 and AS4282;
 - (vi) Structural certification for footing designs by a suitably qualified, practicing engineer to certify that the design complies with City of Sydney policies and Australian Standards.
- (b) The public domain lighting works are to be completed in accordance with the approved plans and the City of Sydney's *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

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*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

ACCESS FOR PERSONS WITH DISABILITIES - OFFICE / SHOP FITOUTS

In accordance with the *Building Code of Australia* the proposed office / shop layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) The Construction Traffic Management Plan accompanying this Development Application has not been approved by this consent. [Planner: Only use (a) if a Construction Traffic Management Plan was submitted with the DA, otherwise delete]
- (b) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

Is to be submitted to the Certifying Authority.

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

The proposed work must comply with the *Building Code of Australia* (BCA).

CAR PARK VENTILATION

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.

FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

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.

MECHANICAL VENTILATION

- (a) 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*.
- (b) 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.
- (c) 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.

LANDSCAPING OF THE SITE

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - (ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

- (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC (if applicable);
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage, waterproofing and watering systems.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifying Authority.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
 - (i) existing site contours;
 - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
 - (iii) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

ROAD OPENING PERMIT

A separate Road Opening Permit under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

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

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.

PRESERVATION OF SURVEY MARKS

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

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.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

STREET TREE PROTECTION

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 must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 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, and
- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must 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:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) 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 the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

WASTE/RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

WASTE STORAGE

- (a) Waste and recycling receptacles to be stored on property at all times with council access key for servicing
- (b) Residential and commercial waste rooms to be separated (commercial tenants must not have access to residential waste and recycling bins or waste chutes)
- (c) A storage area for discarded bulky items must be provided per block of residential units

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.

DEDICATION OF ROADS

Prior to the issue of an Occupation Certificate for the development, the owner of the site must dedicate to the public as road, free of cost to Council, the strip of land to the north of the site noted as "Little Hay Street" and the strip along the western boundary of the site noted as "The Boulevard", as detailed in plans by Francis-Jones Morehen Thorp project code LLHM V5B, sheet no. FJMT-DA-R1002, Revision 08 dated 22/01/2016.

LAND SUBDIVISION – SEPARATE DA REQUIRED

Any proposal to subdivide the site, including any stratum subdivision of the buildings, will require a separate application to Council to obtain development consent and the subsequent approval of the plan of subdivision and issue of a Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

SYDNEY WATER CERTIFICATE

Prior to the issue of the Subdivision Certificate, a Section 73 (Subdivider/Developer) Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

DESIGN AND CONSTRUCTION OF ROADS

Detailed engineering, road, drainage and infrastructure works, design and construction plans for the construction of “Little Hay Street”, and “The Boulevarde” are to be submitted to Council and approval gained prior to the issue of any Construction Certificate for the proposed Subdivision Works. The design and documentation is to include any requirements and approvals from external parties such as public utility service authorities and is to be in accordance with Council’s *“Development Specifications for Civil Works Design and Construction”* and is to be in accordance with any approved flood analysis and assessment report for the site and is to be consistent with Water Sensitive Urban Design principles.

The submission to Council is to provide plans and specifications sufficient to describe in detail the design, scope and extent of all proposed road, drainage and infrastructure works for the construction of the road extensions prepared and certified by a Professional Engineer, and is to include:

Details of existing and final site contours, levels and volumes of proposed earthworks providing confirmation that the site contours and levels will not adversely impact upon the flow of floodwater on the site,

Geometric design and pavement design of the road extensions including formation widths, batter slopes, longitudinal sections, cross-sections, materials, specifications and thicknesses of pavement and surfacing,

Proposed contours and levels, showing existing and proposed adjacent levels at abutment to threshold of adjacent properties, proposed buildings, existing roads and existing parks including level and batter slopes. Details of the interpolation of the design levels demonstrating that the road will marry in with their thresholds with Harbour Street, and Hay Street.

Kerb and gutter design and specifications and any necessary works and matching into existing formations including a minimum 500mm existing road pavement restoration,

Geometric and hydraulic design of all stormwater drainage structures and systems including drainage swales and temporary downstream drainage, if required, and specifications and materials and details of connections into Council’s public stormwater system,

Details of design and specifications for footpaths, retaining walls, pedestrian and bicycle facilities, street lights, traffic and pedestrian signage, landscaping and associated verge works,

Details of structures and conduits for the provision and installation of any public utility services and any adjustment to existing services required,

Details of structures, procedures and measures adopted to address erosion and sediment control during the earthworks and construction process,

Details of traffic management and site management procedures during the construction process,

Specifications showing assumptions, calculations and testing.

The certification is to include confirmation from a Professional Engineer that the design complies with Council’s Development Specifications for Civil Works Design

and Construction and that the development will be flood compatible by enabling the floor levels of buildings to provide a minimum of 500mm freeboard above the 1 in 100 year flood level and a minimum of 300mm for publicly accessible areas.

The documentation is to be fully coordinated with the approved Public Domain and Landscape plans for the development, and submitted concurrently to Council's Public Domain Section for review and Council's acceptance of completed Subdivision Work and issue of the final Compliance Certificate as the Principal Certifying Authority will be subject to certification and compliance with the approved drawings, the Development Specifications for Civil Works Design and Construction, applicable standards and the submission of certified Works as Executed drawings.

CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

In accordance with the provisions of Section 109C of the *Environmental Planning and Assessment Act 1979*, a Construction Certificate for the above subdivision work, being the construction of the extension to "Little Hay Street" and "The Boulevard", is to be obtained from Council or an appropriately accredited private certifier and submitted to Council as the Principal Certifying Authority, prior to the commencement of any such work on the site.

PRINCIPAL CERTIFYING AUTHORITY

In accordance with the provisions of Sections 81A and 109E of the *Environmental Planning and Assessment Act 1979*, Council is to be formally appointed the Principal Certifying Authority for the Subdivision Work, prior to the commencement of any such work on the site.

COMPLETION OF SUBDIVISION WORKS

Prior to the issue of the Subdivision Certificate for the subdivision, the Subdivision Work on the site is to be completed in accordance with the requirements and to the satisfaction of Council as the Principal Certifying Authority. A separate application can be made to Council to exercise the provisions of Section 109C(2) of the Act with regard to any incomplete works.

COMPLETION OF PUBLIC DOMAIN WORKS

Prior to the issue of the Subdivision Certificate for the subdivision, the public domain works associated with the subdivision works are to be completed in accordance with the requirements of and to the satisfaction of Council.

PUBLIC UTILITY SERVICES

Prior to the commencement of any subdivision work on the site or public domain work, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities with services to be installed in the new roads have been satisfied with regard to the design and provision of those services.

Prior to the issue of the Subdivision Certificate, documentary evidence is to be submitted to Council that the requirements of all public utility service authorities have been satisfied with regard to the completion of construction and installation of those services.

STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:

prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and

prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and

submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.

The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.

All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

Stormwater Quality Assessment

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 City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;

- c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

Completion / Works-as-Executed Documentation

Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:

All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.

a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked

Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.

Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):

A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;

a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;

a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;

evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;

The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

SECTION 138 APPROVAL

Prior to the commencement of any work within the existing public way, a separate application is to be made to Council to obtain approval under Section 138 of the *Roads Act 1993*.

SURVEY

AT FOUNDATION STAGE - All footings and walls adjacent to a boundary or a proposed boundary must be set out by a registered surveyor. Upon commencement of blockwork or wall construction for the basements 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. Any encroachments of the subject building or associated structures over any boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.

DURING CONSTRUCTION - A survey of the formwork for the concrete slab at each floor level, showing its position in relation to the site boundaries with clearly annotated offsets, must be carried out *prior to concrete pour*, and supplied to the Principal Certifying Authority.

AT COMPLETION – Prior to the issue of any Interim or Final Occupation Certificate - A Final Identification Survey prepared by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment, and showing its position with clearly annotated offsets. Any encroachments of the building over the side boundaries must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be provided. Easements burdening proposed or existing roads are not permitted.

STRATA SUBDIVISION

Any proposal to Strata subdivide the buildings will require a separate application to obtain approval of the final Strata Plan and issue of the Strata Certificate by Council or an accredited Strata Certifier.

ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

ENCROACHMENTS – PUBLIC WAY

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

COVERING OF LOADS

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

EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

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.

VEHICLE CLEANSING

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

SHOP NUMBERING

Shops not having a direct street frontage, such as individual food businesses within a food court must have their shop number clearly displayed and visible at all times on the shop front.

ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

LOADING AND UNLOADING DURING CONSTRUCTION

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 Works 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.
- (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.

NO OBSTRUCTION OF PUBLIC WAY

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

USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) 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.

GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by Council prior to the Construction Certificate for the site/use being granted.

The applicant review information on Council's website about preparing Travel Plans in accordance with these guidelines. This would include steps which address customer and staff transport patterns by providing mode share targets which promote sustainable travel behaviour, means of minimising travel demand by private car and maximise the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

A Travel Plan is a 'live' document that needs to be closely monitored and reviewed throughout the first few years of implementation. The Travel Plan Coordinator responsibilities include:

- (a) Coordinating implementation efforts,
- (b) Conducting surveys or other data collection processes to measure progress;
- (c) Communicating the travel plan to stakeholders;
- (d) Coordinating events to promote awareness of the plan and associated invites;
- (e) Coordinating marking and promotional programs.

The steps outlined above should not be considered as a linear process, but rather an on-going cycle. Travel planning requires regular review and adjustment – a review may reveal the need to reconsider objectives or targets, or to add new actions to create greater incentives for the uptake of sustainable transport choices.

[Note: It is recommended the applicant review information on Council's website about preparing Travel Plans. The applicant may also contact a member of the Transport and Access Unit, to discuss the Green Travel Plan prior to its submission]

BICYCLE FACILITIES WAY FINDING PLAN

A way finding parking plan must be submitted showing all the signage to the bicycle facilities. This might include illuminated signage where appropriate. These plans must be submitted to and approved by Council prior to the **Construction Certificate** being issued.

LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan, must be submitted to and approved by Council prior to the Construction Certificate being issues.

The plan should identify how the loading area will be managed and used by all building tenants (including SE1, 2, 3 and any other adjacent buildings) including retail and residential use such as for removal vehicles, bulky good deliveries and similar.

The plan must include, but is not limited to, management of deliveries to ensure there is no requirement for any service vehicles to wait on public streets to enter the site.

The plan shall be managed either by a schedule showing all tenants when they can use the area, or by a register managed on site to allow tenants to reserve a time period for their deliveries. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

CAR SHARE SPACES

- (a) A minimum of 4 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. A revised basement plan showing these spaces must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the Construction Certificate being issued.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be **accessible to members of the car share scheme at all times.**
- (f) The car share spaces are to be available at the same time that the car park commences operation.

[Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.]

SWEPT PATH ANALYSIS

A swept path analysis is to be undertaken to show how Council's standard 9.25m waste vehicle can service the subject site from Harbour Street.

This swept path analysis, along with amended plans if required, must be submitted to and approved by Council prior to the Construction Certificate being issued.

A reduced driveway width is to be provided subject to the swept path analysis.

PARKING PLAN

A parking plan must be submitted addressing parking restrictions on adjacent streets.

A parking plan must be submitted to the City Infrastructure and Traffic Operations team and will be referred to Council's Local Pedestrian, Cycling and Traffic Calming Committee for consideration.

Two plans must be prepared, one showing the existing parking restrictions, and one showing the proposed parking restrictions. Both plans must include the parking restrictions and the locations of all parking signs and stems, and their chainages from the nearest intersection.

The plan must be approved by Council, and receive concurrence from the Pedestrian Cycling and Traffic Calming Committee prior to an Occupation Certificate being issued. All parking signs are to be installed at no cost to Council and must be installed prior to an Occupation Certificate being issued.

[Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.]

ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

LOADING AND UNLOADING DURING CONSTRUCTION

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.
- (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.

NO OBSTRUCTION OF PUBLIC WAY

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

USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) 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.

BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

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

OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to 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.