

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve of the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.



Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

Sydney

10 May

2012

SCHEDULE 1

Project Approval: MP08_0253 granted by the Minister for Planning on 26 May 2010.

For the following:

- Construction of a new 10 – 15 storey commercial building accommodating:
 - Demolition of the rear ground floor bar of the Australian hotel;
 - 5 levels of basement car parking;
 - a space for the installation of a tri-generation plant;
 - retail floor space;
 - commercial floor space;
 - childcare centre;
- The excavation of the basement under blocks 1 and 4 and the brewery yard;
- Demolition of the rear ground floor bar of the Australian hotel;
- Demolition of the rear one storey bathroom and additions of the heritage terrace group known as 8 – 12 Abercrombie Street; and
- Construction of the surrounding public domain.

Modification:

Stage the construction of Blocks 1 and 4 as follows:

- Stage 1 – excavate and construct a reduced Central Thermal Plant footprint to install a single 1.0MWe co generation gas engine and associated infrastructure;
- Stage 2 – All other remaining works forming the Block 1 and 4 buildings;
- revise the design of brewery yard services;
- re-utilise existing chimney stack to exhaust 4 gas boilers and install a new riser to west of heritage buildings in Brewery Yard to exhaust gas engine; and
- insert additional wording into Project Approval conditions to distinguish between works to be completed as part of Stage 2 from construction of surrounding public domain.

SCHEDULE 2

The above approval is modified as follows:

- 1) Conditions A2, B1 – B14, B16 – B19, B24 – B26, B28, B30, B31, B33, B36, B37, B39, B42, B44, C10, E21 and F8 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out words / numbers~~ as follows:

A2. DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance with MP No. 08_253 and the Environmental Assessment dated 17 July 2009 prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, the following drawings **and as amended by the Section 75W application dated 28 February 2012 by Frasers Broadway Pty Ltd and the following documents:**

- i) **Central Park Central Thermal Plant Engineering Services PA Report prepared by WSP Buildings Pty Ltd, dated 23 January 2012; and**
- ii) **Drawings by PTW Architects and Tzannes Associates on behalf of Frasers Broadway Pty Ltd.**

Architectural Plans prepared for the EA and PPR by Foster and Partners			
Revision	Number	Name of Plan	Date
02	PA-A-1010	Technical Sheet – Drawing List	14/05/09
01	PA-A-1011	Technical Sheet – Symbols and Notes	18/12/09
05	PA-A-1013	Technical Sheet – Area Schedule	26/05/09
04	PA-A-1032	Block 1 & 4 Section and Elevation Set Out Plan	19/05/09
06	PA-A-1500	Block 1 & 4 Landscaping	11/12/09
06	PA-A-1600	Block 1 & 4 Public Domain Plan	11/12/09
06	PA-A-1299	Block 1 & 4 Contextual Site Plan	09/07/09
03	PA-A-1755	Block 1 & 4 Level B4	26/05/09
04	PA-A-1755	Level B4	11/04/11
03	PA-A-1756	Block 1 & 4 Level B3	26/05/09
04	PA-A-1756	Level B3	11/04/11
03	PA-A-1757	Block 1 & 4 Level B2	26/05/09
04	PA-A-1757	Level B2	11/04/11
05	PA-A-1757	Level B2	27/01/12
05	PA-A-1758	Block 1 & 4 Level B1	22/05/09
04	PA-A-1758	Level B1	11/04/11
05	PA-A-1758	Level B1	27/01/12
03	PA-A-1759	Block 1 & 4 Level B0	26/05/09
04	PA-A-1759	Level B0	11/04/11
05	PA-A-1759	Level B0	27/01/12
06	PA-A-1760	Block 1 & 4 Ground Floor Plan – Retail/Office	11/12/09
07	PA-A-1760	Ground Floor Plan	11/04/11
08	PA-A-1760	Ground Floor Plan Retail/Office	27/01/12
06	PA-A-1761	Block 1 & 4 Level 01 – Office FFL +16.50	11/12/09
05	PA-A-1762	Block 1 & 4 Level 02 – Office/Plant FFL +20.50	11/12/09
05	PA-A-1763	Block 1 & 4 Level 03 – Office/Childcare FFL +24.70	11/12/09

04	PA-A-1764	Block 1 & 4 Level 04 – Office FFL +30.00	19/05/09
04	PA-A-1765	Block 1 & 4 Level 05 – Office FFL +34.00	19/05/09
04	PA-A-1766	Block 1 & 4 Level 06 – Office FFL +38.00	19/05/09
04	PA-A-1767	Block 1 & 4 Level 07 – Office FFL +42.00	19/05/09
04	PA-A-1768	Block 1 & 4 Level 08 – Office FFL +46.00	19/05/09
04	PA-A-1769	Block 1 & 4 Level 09 – Office FFL +50.00	19/05/09
04	PA-A-1770	Block 1 & 4 Level 10 – Office FFL +54.00	19/05/09
04	PA-A-1771	Block 1 & 4 Level 11 – Office FFL +58.00	19/05/09
04	PA-A-1772	Block 1 & 4 Level 12 – Office FFL +62.00	19/05/09
05	PA-A-1773	Block 1 & 4 Level 13 – Office FFL +66.00	10/07/09
06	PA-A-1774	Block 1 & 4 Level 14 – Office FFL +70.00	10/07/09
05	PA-A-1775	Block 1 & 4 Level 15 – Plant/Roof FFL +74.00	09/07/09
05	PA-A-1776	Block 1 & 4 Roof Plan	09/07/09
06	PA-A-2050	Block 1 & 4 Elevation 01 – Broadway	10/03/10
04	PA-A-2051	Block 1 & 4 Elevation 02 – Carlton St. East Façade	11/12/09
06	PA-A-2052	Block 1 & 4 Elevation 03 – Tooth Lane South Façade	11/12/09
04	PA-A-2053	Block 1 & 4 Elevation 04 – Abercrombie Street	11/12/09
03	PA-A-2054	Block 1 & 4 Elevation 05 – Irving Street	11/12/09
04	PA-A-2055	Block 1 & 4 Elevation 06 – Balfour Street	10/07/09
03	PA-A-2250	Block 1 & 4 Section 01 – Cross	11/12/09
03	PA-A-2252	Block 1 & 4 Section 03 – Cross	09/07/09
03	PA-A-2252	Section 03 Cross	11/04/11
04	PA-A-2252	Section 03 Cross	27/01/12
05	PA-A-2253	Block 1 & 4 Section 04 – Longitudinal	11/12/09
03	PA-A-2254	Block 1 & 4 Section 05 – Longitudinal	09/07/09
03	PA-A-2254	Section 05 Longitudinal	11/04/11
04	PA-A-2254	Section 05 Longitudinal	27/01/12
02	PA-A-2707	Block 1 & 4 Typical Office Layout – Level 07 Multiple Tenants Tenant	14/05/09
00	PA-A-3500	Block 1 & 4 4N Detailed Elevation - Broadway North Façade	11/12/09
00	PA-A-3501	Block 1 & 4 4N Detailed Elevation - Carlton Street East Façade	11/12/09
00	PA-A-3502	Block 1 & 4 4N Detailed Elevation - Tooth Lane South Façade	11/12/09
00	PA-A-3503	Block 1 & 4 Detailed Elevation – Australian Hotel Courtyard West	11/12/09

		Facade	
02	PA-A-3751	Block 1 & 4 External Wall System – Plinth Generic Details Shop Front/ Arcade/ Level 3	07/01/09
01	PA-A-3771	Block 1 & 4 External Wall System – North Façade (EWS 02 / EWS 04) Office Generic Details Glazing	18/12/12
01	PA-A-3772	Block 1 & 4 External Wall System – West / East Façade (EWS 02) Office Generic Details Glazing	18/12/09
01	PA-A-3774	Block 1 & 4 External Wall System – South Façade (EWS 01) Office Generic Details Glazing	18/12/09
07	SYD 080740L	WSP-CTP-M-B0-2-00	APRIL 2011
07	SYD 080740L	WSP-CTP-M-B1-2-00	APRIL 2011
07	SYD 080740L	WSP-CTP-M-B2-2-00	APRIL 2011
03	SYD 080740L	WSP-CTP-M-XX-3-04	APRIL 2011
03	SYD 080740L	WSP-CTP-M-XX-3-05	APRIL 2011

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

B1 PUBLIC DOMAIN PLAN

Three copies of a detailed Public Domain Plan for the Broadway, Abercrombie Street, Irving Street, Carlton Street and Tooth Avenue frontages must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and approved by Council prior to a Construction Certificate for **the** aboveground **of the Stage 2** works being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in consultation with Council officers; must be in accordance with the City of Sydney's Public Domain Manual, Specification for the Design & Construction of Public Domain Lighting installations and Sydney Streets Design Code; and must include the following items as a minimum:

- (a) Proposed footway paving locations and details of proposed materials, treatments and finishes;
- (b) Proposed kerb and gutter locations, materials, treatments and finishes;
- (c) Proposed location and type of public domain elements, including furniture, traffic signage, lighting, street trees, landscaping and the like;
- (d) Construction details and specifications for all public domain elements;
- (e) Clearly show the interface between public and publicly accessible, privately owned footway and landscape areas;
- (f) Clearly show the extent of works and relationship to other stages of proposed infrastructure construction covered under separate applications.

The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate for **aboveground the Stage 2** works is issued in respect of the development or before the use commences, whichever is earlier.

Note: A security deposit is required to be lodged as a performance security for the public domain works, in accordance with the City of Sydney's adopted fees and charges, prior to a Construction Certificate **for the Stage 2 works** being issued. You should contact Council to determine deposit amount prior to payment.

B2 PUBLIC ART

High quality art work must be provided within the development in publicly accessible locations, including near main entrances, in lobbies and on street frontages, in accordance with the Central Sydney DCP 1996 and the Public Art Policy. Consultation must be undertaken with Council and details of the art work must be submitted to and approved by Council prior to a Construction Certificate **for above ground works of the Stage 2 works** ~~for aboveground works~~ being issued.

All public art work is to be provided, installed and completed prior to issue of a Occupation Certificate.

B3 HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site and potential archaeological artefacts must be submitted to and approved by Council prior to a Construction Certificate for **the aboveground of the Stage 2 works** being issued.
- (b) The interpretation strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) Prior to occupation certificate being issued for ~~aboveground~~ **the Stage 2 works** the approved interpretation strategy must be implemented with interpretive works provided, installed and completed.

B4 LANDSCAPING OF THE SITE (PRIVATELY OWNED LANDSCAPE AREAS)

- (a) A detailed Landscape Plan for privately owned landscape areas, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate for the aboveground **Stage 2 works** being issued. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of planting on slab, earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Details of soil depths and specification for landscape soil;
 - (iv) Details of proposed tree pits / bases, including grates;
 - (v) Location, numbers and type of plant species, having regard to wind conditions and shade effects;
 - (vi) Details of planting procedure and maintenance;
 - (vii) Details of drainage and watering systems.
- (b) All landscaping in the approved plan is to be completed prior to an Occupation Certificate for ~~aboveground~~ **the Stage 2** works being issued or the use commencing, whichever is earlier.
- (c) Additional research is to be undertaken into the most appropriate plant species for the exposed environmental conditions and microclimates created by the design of the building. This information is to be submitted to the Certifying Authority with the detailed Landscape Plan reflecting the findings, prior to the issue of the relevant Construction Certificate.

- (d) A Landscape Management Plan is to be prepared and implemented to outline the technique and frequency of maintenance tasks during the establishment of the landscaping and on a permanent basis. The Management Plan is to incorporate a procedure for the replacement of failed plantings, and a reconsideration of species type where plantings do not respond to the conditions as expected. This information is to be submitted to the Certifying Authority, prior to the issue of the relevant Construction Certificate.

B5 ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The public domain must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia, the City of Sydney Access DCP 2004, the City of Sydney Access Policy 2004 and relevant Australian Standards (including amendments).

Full details of proposed handrails, tactile ground surface indicators (TGSIs) or the like are to be designed in accordance with Council's policies and submitted to Council for review and approval.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval prior to a Construction Certificate for the aboveground **Stage 2** works being issued.

B6 PUBLICLY ACCESSIBLE THROUGH SITE LINKS

A detailed plan for the through site links must be submitted to and must be approved by Council, in conjunction with the Landscape Plan for privately owned areas, prior to a Construction Certificate for ~~aboveground~~ the aboveground **Stage 2** works being issued.

The plan must include:

- (a) Proposed footway paving locations and details of proposed materials, treatments and finishes;
- (b) Location of existing and proposed structures on the site, including proposed temporary and permanent art works;
- (c) Proposed location and type of public domain elements, including furniture, traffic signage, lighting, street trees, landscaping and the like;
- (d) Consideration shall be given to the inclusion of ground level landscape planting, including new tree planting as part of the public domain treatment to the through site links.
- (e) Construction details and specifications for all public domain elements; (vi) Clearly show the interface between public and publicly accessible, privately owned footway and landscape areas.

B7 PUBLIC DOMAIN LANDSCAPING / STREET TREES

- (a) Prior to a Construction Certificate for the aboveground **Stage 2** works being issued, an amended plan is to be submitted for approval from Council, showing the following information in relation to public domain landscaping and street tree planting:
 - (i) The condition of the three existing street trees on the Broadway frontage of the development will be monitored by Council during the progression of future construction works. A decision will be made by Council at a later stage as to whether these trees are to be retained, or removed and replaced by the Proponent;

- (ii) The species of new street trees to be planted on Broadway has yet to be confirmed. The species choice will be determined by Council and advised prior to a Construction Certificate being issued;
- (iii) The four existing street trees on the Abercrombie Street frontage of the site closest to Irving Street and fronting Block 4S are to be removed by the Proponent and shown accordingly on the plan submitted for approval. The seven new trees proposed on the publicly owned land adjacent to Block 4S (western side) shall be Brush Box (*Lophostemon confertus*);
- (iv) The location, number, type and pot size of proposed plant species (other than trees) along Abercrombie Street.
- (v) Details of planting procedure for trees, shrubs and groundcovers, including proposed mulching;
- (vi) Details of drainage systems if applicable;
- (vii) Details of irrigation systems if applicable;
- (viii) Location and details of all proposed furniture.
- (b) Detailed investigation shall be undertaken by the Proponent to determine the feasibility of new street tree planting on both sides of Carlton Avenue and Tooth Avenue and the western side of Balfour Street. This investigation shall include consideration of underground services that may limit potential for planting and any proposed new planting locations. Results of the investigation shall be provided to Council for review prior to Construction Certificate for the aboveground Stage 2 works being issued;
- (c) Trees supplied for all precincts shall generally conform to the NATSPEC guide for tree specification (Ross Clark, 2003). Details of planting stock size and availability of all species shall be submitted to Council for review and approval prior to a Construction Certificate being issued. Nominal minimum pot size for trees is to be 400 ltr;
- (d) Details of proposed planting substrates (including physical and chemical characteristics).
- (e) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.

B8 LIGHTING PLAN

A detailed plan, prepared by a suitably qualified lighting engineer must be submitted to Council prior to a construction certificate for the above ground Stage 2 works being issued.

All lighting in public domain areas is to comply with Council's "Specification for the Design & Construction of Public Domain Lighting Installations", Council's luminaire and pole specifications and to AS1158.3.1 for the following categories:

- (a) Lighting on all internal roads: Category V3
- (b) Lighting on footpaths along public streets: Category P2
- (c) Lighting in plaza areas: Category P7
- (d) Lighting on pathways and activity areas within parks: Category P2

Lighting designs, supported by luminance calculations and illuminance plots, are to be prepared by an approved lighting engineer and submitted to Council for approval. All lighting is to be of a high standard and be Energy Australia compatible. The Lighting Plan must be integrated and submitted concurrently with the Public Domain Plan required by this condition.

Lighting for any privately owned / publicly accessible areas should be compatible with that required for the public areas. Lighting designs, supported by luminance calculations

and illuminance plots, are to be prepared by an approved lighting engineer and submitted for approval to show compliance with AS1158.3.1 for Category P2 lighting.

B9 FLOOD PLANNING LEVELS

The proposed buildings being designed such that the entrances to the basement of the buildings are located at a level 500mm above the 1 in 100 year flood event. Ground level entrances and any points of water entry to the buildings are to be located at a level 300mm above the 1 in 100 year flood event (or as otherwise agreed by Council) for flood affected areas.

Prior to a Construction Certificate for the relevant Stage being issued the following information for that Stage being submitted to Council:

A statement from Hughes Trueman that the core principle of the "Stormwater Quantity Management Study" of safely routing all floodwaters through the whole CUB site will be achieved after meeting the Council's requirement that:

- (a) The entrances to the basements of all buildings are located at a level 500mm above the 1 in 100 year flood event
- (b) All ground level entrances and any points of water entry to all buildings are located at a level 300mm above the 1 in 100 year flood event, except at sag points or on major overland flow paths where the freeboard is to be 500mm, and
- (c) No automatic flood barriers are to be installed at the entry points to new basement carparks. A design certification report indicating that the design of the civil infrastructure (kerbs, roads, drainage and alignment levels) conforms to the assumptions of the "Stormwater Quantity Management Study" and ensures that overland flow during major storm events will be controlled in the required manner and will not raise flood levels from which the Flood Planning Levels are to be set for all proposed buildings on the CUB site.

Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate.

B10 STORMWATER QUALITY MANAGEMENT

- (a) Stormwater quality objectives for this development shall comply with the modification of Major Project Approval (MP06_0171) approval dated 5 February 2009 and the subsequent final Stormwater Management Plan dated May 2009 by Lincolne Scott Australia Pty Ltd (or as amended and approved by Sydney Water).
- (b) Detailed design documentation to implement best practice urban stormwater management using WSUD principles to be submitted to Council for approval prior to construction certificate being issued if the proposed assets are within public domain and to be maintained by the Council in the future.
- (c) A design certification report for the proposed stormwater quality management shall be prepared by an appropriately qualified engineer and shall be submitted to Council prior to the issue of a Construction Certificate for the Stage 2 works.

B11 ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate for the aboveground Stage 2 works being issued, alignment levels for the site frontages (including roads and footways to be dedicated to Council) and publicly accessible through site links, prepared by a registered surveyor or a suitably qualified engineer, must be submitted to and must be approved by Council. The Alignment Levels submission must be prepared in accordance with the City of Sydney's Public Domain Manual.

- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a **the Construction Certificate for the Stage 2 works**, excluding a Construction Certificate for approved preparatory, demolition or shoring work **and excavation**.

B12 FOOTPATH DAMAGE BANK GUARANTEE

Prior to a Construction Certificate **for the Stage 2 works** being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way. However neither bank guarantee will be released until all development works are complete to the satisfaction of the Council, including rectification of damage to the public way. You should contact Council's Public Domain section to determine the bank guarantee amount prior to payment.

B13 SITE RECTIFICATION - MORE THAN 2,500SQM

- (a) Excavation must not commence until a Construction Certificate **for the below ground Stage 2 works** has been issued for construction of the basement.
- (b) Prior to the Construction Certificate for **the below ground Stage 2 works** being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
- (i) a bank guarantee to be provided based on a peer reviewed quantity surveyor's cost estimate to install a high quality hoarding around the basement areas (identified by Council) which front the streets or public land and for the hoarding to be painted and have good quality art works on it
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. the site has been excavated; or
 - b. the erection of the structure has commenced;

That it, or any person authorized by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- c. make the structure safe and of an appearance acceptable to Council at ground level;
 - d. allow the site to be of an appearance acceptable to Council from any public vantage point;
- AND**
- e. to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
- (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c)(ii) c – e to take place on the site; and

- (ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction. .

B14 PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to a Construction Certificate being issued for Blocks 1 and 4, **(the stage 2 works)** a photographic recording of the public domain areas adjacent to those proposed to be constructed / reconstructed is to be prepared and submitted to Council's satisfaction.

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

The form of the recording is to be as follows:

- (a) A pdf. format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and includes 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 suitably 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.

Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate.

B16 ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Detailed design and construction documentation for the proposed public road system shall include all necessary liaisons with public utility authorities, the RTA, Council, the Sydney Traffic Committee and its nominated consultants in order to achieve design approvals and construction compliance.
- (b) The design and construction of all roadworks **not covered by the Stage 1 or Stage 2 works** shall be undertaken in accordance with Council's Development Specification for Civil Works. Detailed plans and construction specifications for the works shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate for **the** aboveground **Stage 2** works. The detailed plans and supporting documentation shall include as a minimum the following information:
 - (i) General subdivision plan with contour details, clearly indicating the extent of work;

- (ii) Typical road cross sections showing road and footway widths, pavement configuration, batter slopes, kerb and gutter types;
- (iii) Plan and longitudinal section of the public road showing services;
- (iv) Drainage plan and schedule of drainage elements;
- (v) Drainage profiles and longitudinal section;
- (vi) Road cross sections and kerb returns;
- (vii) Road pavements, kerb and gutter, drainage works, traffic and pedestrian signage, and any necessary minor works and matching adjustments;
- (viii) Minimum 300 mm wide road restoration detail;
- (ix) Footpaths, pedestrian and bicycle facilities, street lights and street trees and other associated verge works
- (x) Adjustments/upgrades to utility services as required;
- (xi) Intersection layout details including line marking, pavement marking and signposting;
- (xii) Standard engineering and structural details plan;
- (xiii) Erosion and sedimentation control plans;
- (xiv) Compliance with all relevant Council requirements including, road opening permits, public liability insurance and compliance with Council's Quality Assurance for design(design certification report and check lists 1-9 from Council's Development Specification for Civil Works),Quality System requirements involving construction inspection and supervision procedures;
- (xv) Drainage pit lids throughout the public domain shall be heel guarded and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Drainage pit lids shall be in accordance with Council Standards.

Note: All design documentation shall be completed in accordance with the relevant standards and specifications as adopted by Council from time to time. All engineering plans and calculations shall be checked, signed and certified by a suitably qualified professional Engineer.

B17 ROAD AND FOOTWAY PAVEMENT DESIGN

- (a) A road and footway pavement design for all flexible and rigid pavements including all considerations, assumptions, sub grade test results, and calculations shall be submitted to Council for approval prior to the issue of the Construction Certificate for the aboveground **Stage 2** works **for Blocks 1 and 4**. The design must include proposals for the staged delivery of O'Connor Street, including the proposed turning circle arrangement and final proposal when the turning circle will no longer be needed.
- (b) The road and footway pavement design shall be undertaken in accordance with Council's Development Specification for Civil Works, the Sydney Streets Design Code and the Public Domain Manual. Drawings shall clearly indicate the pavement structure, material types and layer thickness of the proposed pavement and surfacing.

B18 SUBSURFACE DRAINAGE

Subsurface drainage systems, **for the relevant Stage 1 and Stage 2 works** shall be provided for all road formations, cuttings, and the base and sub base of pavement layers and throughout the entire base of the new public park. The design and construction of the subsurface drainage system shall be undertaken in accordance with Council's Development Specification for Civil Works. Detailed plans and construction specifications for the subsurface drainage systems shall be prepared and certified as complying with Council's specifications prior to the issue of a Construction Certificate for the

aboveground **Stage 2** works. The plans shall include as a minimum the following information:

- (a) The proposed location of all subsoil drains and sub-pavement drains, including the nominal width and depth of trenches, pipe diameters and materials, longitudinal design grades, and the locations of outlets and cleanouts;
- (b) The location of public utility services shall also be included on the plans and cross sectional drawings;
- (c) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- (d) All assumptions and/or calculations made in the determination of the need or otherwise for subsurface drainage in special circumstances shall be submitted to Council for approval with the documentation.

B19 STORMWATER AND DRAINAGE -MAJOR DEVELOPMENT

On-site detention, treatment and re-use are encouraged.

- (a) All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) A design certification report for the on-site detention storage and the associated pipe and pit system shall be submitted to the Council prior to the issue of a Construction Certificate **for the Stage 2 works**.
- (c) Prior to developing blocks 1-4, any detention tank needs to be constructed to manage the overland flow from the site, road drainage and the drainage from the buildings.
- (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 **for Stage 2 works** being issued and prior to the commencement of any work within the public way.
- (e) 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 and connection to their asset must be submitted to Council prior to a Construction Certificate **for the Stage 2 works** being issued for this stage
- (f) 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.

B24 ACCESSIBLE CAR PARKING SPACES

Of accessible car parking spaces must be 3.2m x 5.5m minimum (with minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the City of Sydney Access Development Control Plan 2004. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate **for the Stage 2 building works** being issued.

B25 ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must provide appropriate property rights to the applicable energy supplier, free of cost, an area of land within the development site, ~~but not in any landscaped area or in any area visible from the public domain~~, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a

Construction Certificate for the Stage 2 building works being issued or the commencement of the use, whichever is earlier.

B26 DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained:
 - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to prior to release of the Construction Certificate for the Stage 2 building works.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Director of Metropolitan Projects (or their equivalent) in consultation with Council.

B28 LOCATION OF DRIVEWAYS

The access driveway for the site must not be closer than:

- (a) 10 metres from the intersection of the nearest cross street/lane.
- (b) 20 metres from the intersection of the nearest signalised cross street/lane.
- (c) 1 metre from the property boundary of the adjacent site.
- (d) 2 metres from any other driveway of the site.

The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate for the aboveground Stage 2 works being issued.

B30 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.

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

- (a) Prior to a Construction Certificate for Stage 2 works being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.

B31 GREEN STAR RATING

Certification is to be provided to the Certifying Authority (with a copy supplied to the Department) by the Green Building Council of Australia, indicating that the development achieves a 6 Star Green Star rating. Should the ESD and WSUD infrastructure required to support the 6 Star Green Star not be approved by others, all residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve a

minimum 5 Star Green Star. This certification is to be submitted prior to the issue of an Occupation Construction Certificate for the aboveground Stage 2 works.

B33 UNDERGROUND ELECTRICITY SERVICES

Any excavation on or in close proximity to the underground 330kv electricity cable in Abercrombie Street will require prior written approval of TransGrid. Consultation must be undertaken with TransGrid to discuss any proposed excavation works in this area. Details of such consultation and TransGrid approval (if required) must be submitted to the Certifying Authority prior to the issue of any Occupation Certificate for the Stage 2 works.

B36 SYDNEY WATER REQUIREMENTS

The MUSIC model undertaken for the site is to be independently peer reviewed at full cost to the Proponent. The results and any required design changes to the stormwater quality system to be provided to Sydney Water for their assessment and determination prior to the issue of a Construction Certificate.

This condition is considered to be satisfied if it has been resolved as part of another Project Application for the subject site for the Stage 2 works.

B37 PROTECTION OF INTERIM METRO CORRIDOR

- (a) The owners of the site of the approved development must enter into an Agreement with ~~Sydney Metro~~ Transport for NSW that addresses the potential impacts of the approved development on the Metro Line 1 corridor, prior to the issue of relevant construction certificate for the Stage 2 works and the commencement of any excavation below the existing ground level for works within 25 metres of the corridor.

Advisory note to proponent and any PCA: Transport New South Wales advise the corridor refers to the 60m wide protection zone corridor and not the tunnels themselves.

- (b) The owners of the site of the approved development must:
- (i) Allow in the design, construction and maintenance of the approved development for the future operations of metro railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.
 - (ii) Prior to the issue of any occupancy certificate for the Stage 2 works, provide Sydney Metro with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow Sydney Metro to fully understand the interaction between the approved development and the Sydney Metro Line 1.

B39 LINK TO BLOCK 8

Further investigation is to be undertaken in to the provision of a suitable pedestrian link from Block 4 to Block 8 for residents of Block 8. Details on the link, including construction timing, are to be submitted to the Department of Planning for approval prior to the issue of a Construction Certificate for the aboveground Stage 2 works.

B42 CENTRAL THERMAL PLANT – CONSTRUCTION CERTIFICATE

The construction of Blocks 1 and 4 is to be staged. The Stage 1 Construction Certificate will encompass the excavation and installation of the Central Thermal Plant and

associated infrastructure. Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate. **All other remaining works forming the Block 1 and 4 buildings is part of the Stage 2 works.**

B44 ENVIRONMENT PROTECTION LICENCE

The proposal for a **1.0MWe co generation** plant using a gas fired internal reciprocating combustion engine will require an Environment Protection Licence under Clause 17 of Schedule 1 of the Protection of the Environment Operations Act (1997). Details are to be provided by the Operator to the **Environment Protection Authority and the Certifying Authority demonstrating compliance with the Interim OEH Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra**, prior to the issue of the relevant Construction Certificate for installing such tri-generation equipment.

Advisory note: Further information on the above can be found at <http://www.environment.nsw.gov.au/air/cogeneration.htm>, particularly:

All new cogeneration will:

- **Demonstrate no adverse impact on human health or the environment in accordance with the requirements of the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales.**
- **Proposals in Sydney and the Illawarra should either be NOX neutral or required to achieve Best Available Technique (BAT) emission performance.**

C10 REMEDIATION

- (a) Blocks 1 and 4 are to be remediated and validated. Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the approval authority prior to the commencement of foundations other than shoring **for the aboveground Stage 2 works.**
- (b) All excavated material is to be classified, managed and disposed of in accordance with the Remedial Action Plan for Major Project 07_0163 undertaken by JBA Environmental Pty Ltd for the subject site (as amended).

E21 ENGINE AND GENERATOR – GAS FIRED POWER PLANT

The power generation system must comply with the following:

- a) Lean burn Low Nitrogen Oxide Engine

The generator engine shall incorporate lean burn, low Nitrogen Oxide design technology to generate Nitrogen Oxide emissions not exceeding ~~57ugm-3~~ **57 mg m⁻³**

The generator shall comply with the requirements of Australian Standard for Industrial and Commercial Gas-fired appliances AS3814.2005.

- b) Certification

Certification shall be provided by a suitably qualified consultant certifying the engine and generator has been installed in accordance with the above requirements.

- c) Maintenance and Servicing

The generator engine shall be serviced and maintained in accordance with the above requirements.

d) Records

Records of all servicing and maintenance to be carried out on the generator engine are to be kept and made available on request by the Department by the operator.

F8 MEASUREMENT AND VERIFICATION OF THE TRI CO GENERATION SYSTEMS

A measurement and verification report is to be submitted to the Department of Planning and Infrastructure measuring and verifying the actual operating performance of each of the ~~two tri-generation systems~~ **1.0 MWe cogeneration plant** by conducting an energy and mass balance and calculating the overall system efficiency of each of the ~~tri co~~ **cogeneration systems**. The measurement and verification report is to include the actual operating hours of each of the **cogeneration systems**, at least 12 months of operating data including all assumptions and engineering calculations and a drawing indicating the location of all meters and sub-meters (i.e. electricity, natural gas, water meters and temperature probes) for ~~each of the tri co~~ **cogeneration systems**. The measurement and verification report is to be provided to the Department of Planning and Infrastructure following 12 months from the date of operation commencement.

Advisory Note: All commercially sensitive information provided by the proponent is to be kept confidential.

2) Insert Conditions A13 and E24 as follows:

A13 STAGING

Stage works to Block 1 and 4 as follows:

Stage 1 consists of all building work to the Central Thermal Plant and then the subsequent installation of all plant and equipment.

Details are to be provided to the Certifying Authority demonstrating compliance prior to issue of the relevant Construction Certificate.

Stage 2 will comprise the remainder of work to Blocks 1, 4 (north) and 4 (south) including final details for installing tri generation equipment.

Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate.

E24 ATMOSPHERIC DISCHARGE AND EMISSION POINTS

Prior to construction commencing on any atmospheric discharge and emission points for the gas fired generation plant, the proponent must submit to the Certifying Authority an air quality assessment, conducted in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, demonstrating the design of the atmospheric discharge and emission points will result in emissions complying with Office of Environment and Heritage criteria at all nearby receptors. The air quality impact assessment must consider the cumulative impact of all other proposed emission sources at the site.

End of modifications to MP 08_0253 MOD 3