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**PROJECT APPLICATION APPROVAL**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF A PROJECT APPLICATION FOR BLOCK 2  
FRASERS BROADWAY, 26 BROADWAY, CHIPPENDALE**

**(MP No. 09\_0078)**

The Planning Assessment Commission of New South Wales (the Commission) having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report, determine Major Project No. 09\_0078 by **granting approval** to the major project described in the attached Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Proponent's Statement of Commitments in Schedule 3 pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

The reasons for the conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest

  
Member of the Commission      Member of the Commission      Member of the Commission

SYDNEY, 18 June 2010

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## SCHEDULE 1

### PART A — TABLE

<b>Application made by:</b>	Frasers Broadway Pty Ltd.
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP No. 09_0078
<b>On land comprising:</b>	Lot 1 DP 1131320, 26 Broadway, Chippendale
<b>Local Government Area</b>	City of Sydney Council
<b>For the carrying out of:</b>	<ul style="list-style-type: none"> <li>• Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium, accommodating:               <ul style="list-style-type: none"> <li>○ Residential floor space comprising up to 593 residential apartments</li> <li>○ Retail floor space comprising a food court, speciality retail and a supermarket</li> <li>○ Commercial floor space</li> </ul> </li> <li>• Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2</li> <li>• Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms)</li> <li>• Construction of the surrounding public domain</li> <li>• Stratum subdivision of the proposal</li> </ul>
<b>Capital Investment Value</b>	<b>\$269,246,606</b>
<b>Type of development:</b>	Major Project under Part 3A of the Act.
<b>Determination made on:</b>	<i>18 June 2010</i>
<b>Date approval is liable to lapse:</b>	5 years from the date of determination unless the development has been physically commenced.

### PART B—NOTES RELATING TO THE APPROVAL OF MP NO. 09\_0078

#### Responsibility for other approvals / agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### Appeals

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

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

## **PART C—DEFINITIONS**

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Council** means City of Sydney Council.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department or his nominee.

**Environmental Assessment (EA)** means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2009.

**Minister** means the Minister for Planning.

**MP No. 09\_0078** means the Major Project described in the Proponent's Preferred Project Report.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report (PPR)** means the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd and dated February 2010.

**Proponent** means Frasers Broadway Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**End of Section**

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

#### MAJOR PROJECT NO. 09\_0078

#### PART A - ADMINISTRATIVE CONDITIONS

##### **A1      *Development Description***

Development approval is granted only to carrying out the development described in detail below:

- Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium, accommodating:
  - Residential floor space comprising up to 593 residential apartments;
  - Retail floor space comprising a food court, speciality retail and a supermarket; and
  - Commercial floor space;
- Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2;
- Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms);
- Construction of the surrounding public domain; and
- Stratum subdivision of the proposal.

##### **A2      *Development in Accordance with Plans and Documentation***

The development will be undertaken in accordance with MP No. 09\_0078 and the Environmental Assessment dated September 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated February 2010, prepared by JBA Urban Planning Consultants Pty Ltd, and the following drawings:

<b>Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by Ateliers Jean Nouvel and Johnson Pilton Walker</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
PA-A-1001	11	Situation Plan CUB Site	30/07/09
PA-A-1002	11	Contextual Plan	30/07/09
PA-A-1003	11	Masterplan Block 2	30/07/09
PA-A-1004	11	Survey Plan	30/07/09
PA-A-2001	12	Lower Ground Floor Plan	09/09/09
PA-A-2002	12	Ground Floor Plan	09/09/09
PA-A-2003	11	Level 1 Floor Plan	30/07/09
PA-A-2004	11	Level 2 Floor Plan	30/07/09
PA-A-2005	12	Level 3 Floor Plan	09/09/09
PA-A-2006	12	Level 4 Floor Plan	09/09/09
PA-A-2007	12	East and West Towers Level 5 Floor Plan	09/09/09

PA-A-2008	12	East and West Towers Level 6 Floor Plan	09/09/09
PA-A-2009	12	East and West Towers Level 7 Floor Plan	09/09/09
PA-A-2010	12	East and West Towers Level 8 Floor Plan	09/09/09
PA-A-2011	12	East and West Towers Level 9 Floor Plan	09/09/09
PA-A-2012	12	East and West Towers Level 10 Floor Plan	09/09/09
PA-A-2013	12	East and West Towers Level 11 Floor Plan	09/09/09
PA-A-2014	12	East and West Towers Level 12 Floor Plan	09/09/09
PA-A-2015	12	East and West Towers Level 13 Floor Plan	09/09/09
PA-A-2016	11	East and West Towers Level 14 Floor Plan	30/07/09
PA-A-2017	11	East and West Towers Level 15 Floor Plan	30/07/09
PA-A-2018	11	East and West Towers Level 16 Floor Plan	30/07/09
PA-A-2019	11	East and West Towers Level 17 Floor Plan	30/07/09
PA-A-2020	11	East and West Towers Level 18 Floor Plan	30/07/09
PA-A-2021	11	East and West Towers Level 19 Floor Plan	30/07/09
PA-A-2022	11	East Tower Level 20 Floor Plan	30/07/09
PA-A-2023	11	East Tower Level 21 Floor Plan	30/07/09
PA-A-2024	11	East Tower Level 22 Floor Plan	30/07/09
PA-A-2025	11	East Tower Level 23 Floor Plan	30/07/09
PA-A-2026	11	East Tower Level 24 Floor Plan	30/07/09
PA-A-2027	11	East Tower Level 25 Floor Plan	30/07/09
PA-A-2028	11	East Tower Level 26 Floor Plan	30/07/09
PA-A-2029	11	East Tower Level 27 Floor Plan	30/07/09
PA-A-2030	11	East Tower Level 28 Floor Plan	30/07/09
PA-A-2031	11	East Tower Level 29 Floor Plan	30/07/09
PA-A-2032	11	East Tower Level 30 Floor Plan	30/07/09
PA-A-2033	11	East Tower Level 31 Floor Plan	30/07/09
PA-A-2034	11	East Tower Level 32 Floor Plan	30/07/09
PA-A-2035	11	East Tower Level 33 Floor Plan	30/07/09
PA-A-2036	11	East Tower Level 34 Floor Plan	30/07/09
PA-A-2037	11	Roof Level (RT)	30/07/09
PA-A-3001	12	Longitudinal Section AA	09/09/09
PA-A-3002	12	Transversal Section BB	09/09/09
PA-A-3003	12	Longitudinal Section FF	09/09/09
PA-A-3004	12	Unfolded Slot Elevation 1, 2,	09/09/09
PA-A-3005	11	Unfolded Slot Elevation 4 & 5	30/07/09
PA-A-4001	11	North Elevation	30/07/09
PA-A-4002	11	East Elevation	30/07/09
PA-A-4003	12	East Façade West Tower Section CC	09/09/09
PA-A-4004	12	South Elevation	09/09/09
PA-A-4005	12	West Façade East Tower Section DD	09/09/09

PA-A-4006	12	West Elevation	09/09/09
PA-A-4007	11	North Elevation	30/07/09
PA-A-4008	11	East Elevation	30/07/09
PA-A-4009	12	East Facade West Tower Section CC	09/09/09
PA-A-4010	12	South Elevation	09/09/09
PA-A-4011	11	West Façade Residential Tower Section DD	30/07/09
PA-A-4012	12	West Elevation	09/09/09
PA-A-4101	11	North/ East Façade Detail	30/07/09
PA-A-4102	11	North/ East Façade Detail	30/07/09
PA-A-4103	11	South/ West Façade Detail	30/07/09
PA-A-4104	11	South/ West Façade Detail	30/07/09
PA-A-4105	11	Slot Façade Detail	30/07/09
PA-A-4106	11	Slot Façade Detail	30/07/09
PA-A-4107	11	Heliostat System	30/07/09
PA-A-4109	11	North/ East Façade Detail	30/07/09
PA-A-4110	11	Detail Canopy North-West Facade	30/07/09
PA-A-5001	11	Landscape Plan	30/07/09
PA-A-5002	11	Public Domain Plan	30/07/09
PA-A-5003	11	Garden/Terraces Ground Floor Plan/Section	30/07/09
PA-A-5004	11	Platforms Floor Plans	30/07/09
<b>Subdivision Plans prepared for the Preferred Project Report by Denny Linker &amp; Co, dated 23 February 2010</b>			

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.

### **A3 Inconsistency between documents**

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

### **A4 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

### **A5 Construction Certificate**

This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.

**A6      *Mediation***

Where this approval requires further approval from Council or State Authorities, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

**A7      *Emergency Access***

The development is to incorporate sufficient pedestrian egress and fire brigade intervention facilities such as fire isolated stairs and fire hydrant systems, to ensure the development complies with NSW Fire Brigades requirements.

**A8      *Further Approvals***

The following shall be the subject of separate Development Applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (a) Advertising signs - it is noted this consent approves the proposed signage zones but does not approve the size, content, illumination or materials.
- (b) Retail and commercial fit out - the Proponent shall seek development consent prior to occupation and use of individual tenancies, where required.
- (c) Lighting - the lighting of the building and heliostat are to be subject to separate approval.

**End of Section**

## **PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B1      *Design Modifications***

The design of the building shall be amended as follows:

- (a) The detailed design resolution of the pedestrian entrance into the Main Avenue adjacent to the Kent Brewery Gate Portal, (at the northwest corner of the building) should remove any ambiguity between the two adjacent entrances and ensure that the historic gate portal remains prominent. A plainer solid backdrop to the corner at street level, rather than glazing would assist and could incorporate interpretation of the Gate Portal.
- (b) The two north-south arcades within Block 2 shall have a minimum width of 4.5m.
- (c) In order to improve amenity and aspect, the 2 key apartments located in the eastern tower defined as RE.C3.01.00 between Level 5 and Level 28 are to be amended to 2 bedroom apartments in line with RE.C1.04.00 provided between Level 29 and 31.

Details shall be submitted to and approved by the Director-General, in consultation with Council, prior to any Construction Certificate.

### **B2      *Additional Details***

Additional details in regard to the following matters shall be submitted to and approved by the Director-General prior to the issue of the relevant Construction Certificate:

- (a) An updated sample of glazing material for Block 2. The sample must demonstrate that the proposed glazing is reasonably transparent.
- (b) The Proponent is to demonstrate that the heliostat system can operate successfully. This may include a prototype of part of the system to be constructed.

### **B3      *Compliance with the Building Code of Australia (BCA)***

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

### **B4      *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 any Construction Certificate being issued.

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

### **B5      *Footpath Damage Bank Guarantee***

Prior to the issue of any Construction Certificate, the owner of the site must provide a bank guarantee for the sum to be determined based on the Council'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.

### **B6      *Maintenance Bond for Two Years After Completion of Works***

A Security bond is to be held for the maintenance period for public domain works. This amount is to be 5 % of the Contract Cost of the Works, and the bond will be taken at completion of the works. The Bond will be held for the maintenance period of one year.

The commencement date of the maintenance period will be as follows:

- (a) In the case of subdivision - This period commences at the latest date of either of the following events:
  - (i) at the time of release of the final plan of subdivision (Issue of Subdivision Certificate), or
  - (ii) when all items on the defects list as determined by Council at time of practical completion, are finalised to Council's satisfaction
- (b) In the case where no subdivision occurs - This period commences when all items on the defects list as determined by Council at time of practical completion, are finalised to Council's satisfaction.

An extension to the maintenance period may be required (as determined by Council) where Council considers the works have not performed as expected during the first two year maintenance period.

The applicant is to submit with the bond (a) full details of the contract price including a breakdown schedule of the various components of construction, and (b) The commencement Date of the Maintenance Period and (c) the Completion Date of the Maintenance Period.

The Maintenance Bond must be lodged with Council when the earliest of either of the following events occur (a) when the engineering works are completed, or (b) prior to issue of any Subdivision or Occupation Certificate.

### **B7      *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 of Council prior to a Construction Certificate being issued.

### **B8      *Reflectivity***

Prior to issue of any Construction Certificate, the PCA is to ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

### **B9      *Erosion and Sedimentation Control***

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

**B10 Pre-Construction Dilapidation Reports**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure, roads and public domain areas. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Department and Council.

**B11 Subsurface Drainage**

Subsurface drainage systems 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. The plans shall include as a minimum the following information:

- (b) 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;
- (c) The location of public utility services shall also be included on the plans and cross sectional drawings;
- (d) Specifications for the construction of all components of the system in accordance with Council's Development Specification for Civil Works; and
- (e) 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.

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

**B12 Civil Works and Services**

Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for any civil works on existing public roads. The application for this Approval is to include detailed design plans and specifications prepared by a Chartered Professional Engineer.

**B13 Construction Certificate for Civil Works**

Prior to the commencement of any road, drainage and infrastructure work within the parts of the site, a Construction Certificate is to be obtained from Council or an Accredited Certifier and submitted to the PCA.

**B14 Private Services in Public Way**

Prior to the issue of the Construction Certificate, written agreement being obtained from all utility providers, and submitted to Council, for the construction within their respective allocations in the public way of the proposed pipelines and conduits leading to and from the proposed water reclamation treatment plant and the tri-generation plant.

The applicant / owners corporation / operator entering into a legal agreement for the placement of the private pipelines leading to and from the water reclamation treatment plant and the tri-generation plant in the public way must address all risk management, emergency

callout in the event of failures and general maintenance issues etc, further details in relation to the agreement must be discussed with the Council.

### **B15 Public Domain Plan**

Three copies of a detailed Public Domain Plan for the Broadway, Balfour Street, Tooth Avenue and Kent Road 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 any Construction Certificate. 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 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 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 any Construction Certificate. You should contact Council to determine the deposit amount prior to payment.

### **B16 Landscaping of the Site (Privately Owned Landscape Areas)**

- (a) Detailed Landscape Plans 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 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;
  - (viii) Details of balustrades and wind protection measures (where applicable).
- (b) The proposed landscape treatments, including the species, soil volumes and anchoring systems, to the private property areas (including roof top and balcony spaces) are not acceptable. A qualified arborist (AQF 5) shall be engaged to review the proposed planting species, planting details and soil volumes, and suggest modifications as required to the proposal to ensure the landscaping is feasible. This report shall be provided to Council prior to the release of the Construction Certificate.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued or the use commencing, whichever is earlier.
- (d) Prior to a Construction Certificate being issued, a maintenance plan is to be submitted for approval of the Certifying Authority and be complied with during occupation of the property.
- (e) The Landscape Plans must clearly show the extent of works and relationship to other stages of proposed infrastructure construction covered under separate applications.

### ***B17 Vertical Garden / Vegetal Walls and Modular Planting System***

Prior to a Construction Certificate being issued, the following design details of the vertical garden / vegetal walls and modular planting systems be submitted to, and approved by the Director General:

- (a) Detailed drawings demonstrating how the planters and cables are constructed, including proposed materials, planter dimensions, and integration into the building structure;
- (b) An Architectural Quality Statement which sets out clearly the required architectural quality of the plantings over the effective life of the building, including photographs and other descriptors;
- (c) Detailed drawings demonstrating that all landscaping incorporated into the design of the building be centrally irrigated;
- (d) Location, numbers, type and size of plant species. All proposed plant species are to be carefully considered to maximise potential viability and ensure their longevity.
- (e) Drainage, irrigation and waterproofing details, including overflow systems;
- (f) A maintenance plan, detailing how access to the planter boxes will be provided, and outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the building is well maintained and attractive throughout its life.
- (g) A Building Management Statement or Strata Management Statement that requires that the ongoing maintenance of all plantings, both horizontal and vertical be the responsibility of the body corporate.

### ***B18 Publicly Accessible Open Space***

A review of proposed tree planting in the piazza and surrounding publicly accessible areas with regard to the nominated tree species and proposed soil volumes as the proposed Public Realm Bench Planter detail does not allow sufficient soil volume to support the ongoing health and vigour of the nominated tree species. All trees shall be self supporting (not require anchoring devices) and have sufficient soil volume to enable the selected species to mature and have ongoing health and vigour.

### ***B19 Water Feature***

- (a) The water feature is to be designed in accordance with all relevant Australian Standards, and such that water shall not become stagnant. Water quality must be of a standard appropriate for its use, in accordance with the ANZECC Guidelines for Fresh and Marine Water Quality and relevant Australian Standards.
- (b) Details of the water feature construction are to be submitted to Council for review and approval prior to a Construction Certificate being issued.
- (c) Prior to a Construction Certificate being issued, a maintenance plan for the water feature is to be submitted to Council for approval. The maintenance plan must include proposed treatments for hardscape and water elements and must clearly address maintenance, operational and cost responsibilities for the feature between elements to be located on privately owned land and those to be located on publicly owned land.
- (d) The approved maintenance plan must be complied with during the maintenance period specified in this approval.

**B20 Public Domain Landscaping / Street Trees**

- (a) Prior to the relevant Construction Certificate being issued, an amended plan(s) is to be submitted for the review and approval of Council, showing the following information in relation to public domain landscaping and street tree planting:
  - (i) The condition of the 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 developer;
  - (ii) The existing *Fraxinus* sp. street tree on Broadway, being the third tree west from Kent Road, is in poor condition and is to be removed and replaced by the developer with a new street tree (minimum 200 ltr size) and shown accordingly on the plan submitted for approval. Note: separate formal approval by the Council for this work will be required prior to the issue of a Construction Certificate. The species of the replacement tree will be determined by Council and advised prior to a Construction Certificate being issued;
  - (iii) Formal approval by the Council is required prior to the issue of a Construction Certificate for the proposed removal of the existing *Celtis* sp. street tree closest to the intersection of Broadway and Balfour Street;
  - (iv) 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 (Council must nominate the tree species within 30 days of a request from the proponent);
- (b) Detailed investigation shall be undertaken by the developer to determine the feasibility of new street tree planting on the Tooth Avenue and Kent Road frontages of the site. 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 a Construction Certificate being issued;
- (c) All trees supplied for planting 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. Nominal minimum pot size for trees is to be 400 ltr;
- (d) Details of proposed planting substrates (including physical and chemical characteristics) and tree pit construction details shall be submitted to Council for review and approval.

**B21 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".

**B22 Protection of Street Trees During Construction**

All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details of the methods of protection must be submitted to and be approved by Council prior to the issue of the relevant Construction Certificate and such approval should be forwarded to the Principal Certifying Authority. All approved protection measures must be maintained for the duration of construction and any tree on the footpath which is damaged or removed during construction must be replaced.

**B23 Street Lighting**

A detailed plan, prepared by a suitably qualified lighting engineer must be submitted to and approved by Council prior to relevant construction certificate being issued.

All lighting in public domain areas is to comply with the Council's "Specification for the Design & Construction of Public Domain Lighting Installations", the 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 to Council for approval to show compliance with AS1158.3.1 for Category P2 lighting.

#### ***B24 Alignment Levels***

- (a) Prior to the issue of the relevant Construction Certificate, 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 suitably qualified engineer, shall be submitted to and 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 relevant Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

#### ***B25 Energy Star Ratings***

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 the relevant Construction Certificate.

#### ***B26 BASIX Certificate requirements***

Prior to the issue of the relevant Construction Certificate, details of all amendments and treatments outlined in the BASIX Certificates submitted with the PPR, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

#### ***B27 Water Ratings***

All water fixtures installed within the premises are to have a AAA water rating or more. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

#### ***B28 Mechanical Ventilation***

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the relevant 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 the Principal Certifying Authority.

### **B29 Stormwater and Drainage Works Design**

- (a) 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 and prior to the commencement of any work within the public way.
- (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 and connection to their asset must be submitted to Council prior to a Construction Certificate being issued for this stage if required.
- (c) 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 if required.

### **B30 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.
- (b) Detailed design documentation to implement best practice urban stormwater management using WSUD principles shall be submitted to Council for approval prior to the relevant 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 the PCA prior to the issue of the relevant Construction Certificate.

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

### **B31 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 (or as otherwise agreed by Council) for flood affected areas. 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 being issued the following information being submitted to and approved by Council:

- (a) 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:
  - (i) the entrances to the basements of all buildings are located at a level 500mm above the 1 in 100 year flood event
  - (ii) 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
  - (iii) no automatic flood barriers are to be installed at the entry points to new basement car parks.
- (b) 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.

### **B32 Electricity Substation**

If required by the applicable energy supplier, the owner must create the 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 shall be submitted for the approval of Council and Energy Australia, prior to the relevant Construction Certificate being issued or the commencement of the use, whichever is earlier.

### **B33 Waste and Recycling Management - Residential**

- (a) A Waste Management Plan is to be submitted to and approved by Council prior to the relevant Construction Certificate being issued. The plan must comply with the Council's Policy for Waste Minimisation in New Developments 2005. All requirements of the approved Waste Management Plan must be implemented during construction of the development.
- (b) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

### **B34 Rail Services Search**

Prior to the issue of the relevant Construction Certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject site the Proponent must discuss with the Rail Authority as to whether these services are to be relocated or incorporated within the development site.

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

### **B35 Noise**

Prior to the issue of a Construction Certificate an acoustic assessment shall be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

### **B36 Stray Currents and Electrolysis from Rail Operations**



Prior to the issue of a Construction Certificate the Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Proponent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application.

### ***B37 Protection of Interim Metro Corridor***

- (a) The owners of the site of the approved development must enter into an Agreement with Sydney Metro that addresses the potential impacts of the approved development on the Metro Line 1 corridor, prior to the issue of a **Construction Certificate** and the commencement of any excavation below the existing ground level.
- (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**, 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.

### ***B38 CCTV Records – Stormwater Works***

All existing and constructed road stormwater drainage structures (pipelines and pits), adjacent the works described within this Approval, must be inspected by Closed Circuit Television (CCTV) prior to the issue of the Construction Certificate. CCTV reports for the existing and constructed works must be submitted to Council in electronic DVD format and a hard copy report. Certification is also required from a suitably qualified professional to state that any defects identified by these inspections have been rectified.

### ***B39 Photographic Record / Dilapidation Report – Public Domain***

Prior to a Construction Certificate being issued, 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 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 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. A digital based recording is to include:

**B40 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.

**B41 RTA Requirements**

- (a) Any damage to RTA's assets during construction of the proposed development shall be rectified to the RTA's satisfaction at full cost to the developer.
- (b) All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.
- (c) The swept paths of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**End of Section**

## PART C - PRIOR TO COMMENCEMENT OF WORKS

### **C1      *Demolition, Excavation and Construction Management***

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the CA:
  - (i) Plans and elevations showing distances of the subject building from the, the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
- (b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Construction Safety Act 1912 and Demolitions Regulations; the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Minimisation and Management Act 1995, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Minimisation and Management Act 1995.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.
  - (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development approval.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
  - (xiii) Induction training for on-site personnel.
  - (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
  - (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xvi) Disconnection of utilities.
  - (xvii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).
- (xxi) Working hours, in accordance with this development approval.
- (xxii) Any Work Cover Authority requirements.
- (c) The approved work method statements and a Waste Management Plan as required by this condition must be implemented in full during the period of construction.

## **C2 Construction Noise Management Plan**

A Construction Noise Management Plan produced by a suitably qualified person\*, shall be submitted to Council for approval prior to any work being commenced and complied with during any construction works. The plan should include, however not be limited to the following:-

- (a) Identify sensitive locations near to the site;
- (b) Identify potential impacts (i.e. exceedances of the goals at the identified sensitive locations);
- (c) Mitigation measures to control noise and dusts from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors, and;
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

\*where suitably qualified person is defined as "must possess the appropriate qualifications and experience necessary to render them eligible as a full member of the Australian Acoustical Society (AAS), Institution of Engineers".

## **C3 Remediation of Land**

- (a) The land subject to this application is 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.
- (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).

## **C4 Roads Act Consent**

A consent under S.138 of the Roads Act 1993 must be obtained from Council's prior to the Commencement of any:

- (a) Excavation in or disturbance of a public way; and/or

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

### **C5      *Barricade Permit***

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 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

### **C6      *Preservation of Survey Marks***

All works on Council 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 Council's Project Manager Survey / Design Services to arrange for the recovery of the mark.

A fee will apply for the replacement of any permanent survey mark removed or damaged in accordance with the Council's Schedule of Fees and Charges (Reinstatement of Survey Box).

### **C7      *Traffic Control Plan***

Where works are to occur on existing public roads a Traffic Control plan is to be prepared. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

The Traffic Control Plan is to be prepared and submitted to Council prior to the relevant works being undertaken.

### **C8      *Statement of Compliance with Australian Standards***

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **C9      *Contact Telephone Number***

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

### **C10     *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.

### **C11     *Use of Appliance of a Highly Intrusive Nature***

This approval does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E

or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

A separate approval must be granted from the Principal Certifying Authority prior to the operation on site of any Category A appliances (such as pile - drivers and hydraulic hammers), or equipment not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Note: Form D in the appendix of the Code of Practice for construction hours/noise (1992) shall be completed by a suitable qualified person\* and submitted with supporting information concerning justification of the use of such equipment and consideration that has been given to use of alternative equipment. The supporting information provided should also be included within the Construction Noise Management Plan as required in **Condition Number C2** of this approval. Further advice should be sought from the Health Compliance Team if required.

\*where suitably qualified person is defined as "must possess the appropriate qualifications and experience necessary to render them eligible as a full member of the Australian Acoustical Society (AAS), Institution of Engineers".

### **C12 Hazardous Waste**

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW DECC *Waste Classification Guidelines, Part1: Classifying Waste (April 2008)*. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

### **C13 Traffic Works**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and approved by the Sydney Traffic Committee prior to any work commencing on site.

### **C14 Erosion and Sediment Control**

Prior to the commencement of construction / demolition works an Erosion and Sediment Control Plan shall be submitted for approval to the CA and complied with during the period of construction / demolition works.

### **C15 RTA Requirements**

- (a) Prior to the commencement of any construction works, in order to provide safe access for construction vehicles and to maintain road network efficiency during construction, the traffic signals at the intersection of Abercrombie Street and O'Connor Street and the intersection of Broadway and Balfour Street are to be approved and constructed.
- (b) The timing of the above intersection signalisation works may be varied, only with the written approval of the RTA.

**End of Section**

## **PART D - DURING CONSTRUCTION**

### **D1 Hours of Work and Noise CBD**

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

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

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

### **D2 Loading and Unloading During Construction**

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) A Works Zone is 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.
- (c) The structural design of the building must permit 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.
- (d) 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.
- (e) 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.

### **D3 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.

### **D4 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.

### **D5      *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.

### **D6      *Anti Graffiti***

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

### **D7      *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 Council's "Development Specification for Civil Works Design and Construction".

**End of Section**



## **PART E - PRIOR TO STRATUM SUBDIVISION**

### ***E1 Amendments to Subdivision Plan***

Lot 310 is to be consolidated with Lot 305.

### ***E2 Restriction on Use of Car and Storage Spaces***

The following conditions apply to car parking and storage where those spaces affect Strata Lots:

- (a) The on-site car parking and storage spaces within lots 301, 302, 306 & 309 are not to be used other than by a resident or owner of the subject lots.
- (b) The on-site car parking spaces within lot 303 are not to be used other than by an occupant, tenant or owner of lots 303, 308 and 315.
- (c) The on-site car parking and storage spaces within lot 312 are not to be used other than by a resident or owner of Block 9.
- (d) The on-site car parking and storage spaces within lot 313 are not to be used other than by an occupant, tenant, owner or resident of Block 3.
- (e) The proponent is to include restrictions on use, created pursuant to section 88B of the *Conveyancing Act 1919*, to Council's satisfaction addressing Conditions E2 (a) to (d) in either,
  - 1) the initial deposited plan subdividing the site; or
  - 2) the appropriate strata plan/s subdividing a lot created by the plan referred to in 1).

### ***E3 Restriction on Residential Development***

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portions of the building within lots 301, 302, 306 & 309 must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2005.
- (b) The proponent is to include a restriction on use, created pursuant to Section 88B of the *Conveyancing Act 1919*, to Council's satisfaction, in each strata plan subdividing a lot created by the initial deposited plan subdividing the site, which creates a residential strata scheme, burdening each lot in that strata scheme.

### ***E4 Access***

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

### ***E5 Services***

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

### ***E6 Rights of Way***

Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including fire stairs,

fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.

### **E7      *Subdivision Application***

A separate Subdivision Application being submitted to and approved by the Council for the creation of all proposed public roads, public reserves and Drainage Easements. Strata are to be created under all public roads is to exclude from public ownership/responsibility all waterproofing membranes above all underground structures.

Suitable Deeds of Agreement or Licences are to be entered into with the Council to cover the construction of "private" pipelines within public roads where they convey private stormwater, waste water, harvested water from sewers or non-potable water to/from private properties.

Prior to the release of the Construction Certificate full details of the proposed Water Reclamation Treatment Plant and Groundwater Treatment Plant are to be submitted to and approved by the Council.

Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for any civil works on existing public roads. The application for this Approval is to include detailed design plans and specifications prepared by a Chartered Professional Engineer.

### **E8      *Publicly Accessible Land***

Rights of way, easements and positive covenants must be created over the publicly accessible land shown on the Public Domain Plan for the site to provide and maintain public access, pursuant to Section 88B of the *Conveyancing Act 1919*.

### **E9      *Public Road Dedication***

Prior to the issue of any Occupation Certificate for the development, the parts of Kent Road, Tooth Avenue and Balfour Street which provide access to the development must be constructed and certified in accordance with the requirements of and to the satisfaction of Council. The timing of the subsequent public dedication of the roads must be carried out in a manner acceptable to the Council.

### **E10     *Surveys / Certificates / Works As Executed Plans***

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

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

### **E11     *Sydney Water Certificate***

A Section 73 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](http://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.

The Section 73 Certificate must be submitted to Council or the PCA prior to an Occupation Certificate or Subdivision Certificate being issued.

**End of Section**

## **PART F - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### ***F1 Vertical Green Wall and landscaping***

Prior to the issue of an Occupation Certificate, the owner must procure the registration of a positive covenant on the title of the land benefiting a public authority requiring the vertical green walls and landscaping be maintained, repaired and replanted where necessary in accordance with the maintenance schedule approved in Condition B17 of this approval.

### ***F2 Occupation Certificate***

Prior to the issue of any Occupation Certificate for the development, the parts of Kent Road, Tooth Avenue and Balfour Street, which provide access to the development must be constructed and certified in accordance with the requirements of and to the satisfaction of Council. The timing of the subsequent public dedication of the roads must be carried out in a manner acceptable to the Council.

### ***F3 Public Domain Plan***

The works to the public domain shall be completed in accordance with the approved plan and the Public Domain Manual prior to the issue of any Occupation Certificate in respect of the development or before the use commences, whichever is earlier.

### ***F4 Treatment of Vehicular Entry***

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

### ***F5 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 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.

### ***F6 Building / Strata Management Statement***

A Building Management Statement or a Strata Management Statement, which adequately addresses the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate.

### ***F7 Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

### ***F8 Mechanical Ventilation***

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (a) The Building Code of Australia;
- (b) Australian Standard AS1668 and other relevant codes;
- (c) The development approval and any relevant modifications; and,
- (d) Any dispensation granted by the New South Wales Fire Brigade.

#### **F9      *Microbial Control***

- (a) All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the *Public Health Act 1991*, and *Public Health (Microbial Control) Regulation 2000*.
- (b) A true copy of the annual certificate as stipulated in clause 9(2) of the *Public Health (Microbial) Regulation 2000* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.
- (c) Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the *Public Health (Microbial Control) Regulation 2000*.

#### **F10     *Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **F11     *Road Construction and Damage***

- (a) The construction of the final 25mm layer of asphaltic concrete on all proposed public roads is to be delayed until after the completion of construction of adjoining building developments to minimise damage from building works.
- (b) The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works is to be met in full by the applicant/developer.

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

#### **F12     *Public Road Dedication***

Prior to the issue of any occupation certificate for the development all parts of Kent Road, Tooth Avenue and Balfour Street, providing frontage and access to the subject development are to be constructed and completed in accordance with the requirements and to the satisfaction of the Council. All the parts of Kent Road, Tooth Avenue and Balfour Street, providing frontage and access to the subject development shall be dedicated as Public Road to the Council. The timing of the public dedication of the roads must be carried out in a manner acceptable to Council.

**F13 Publicly Accessible Areas Management Plan**

A Management Plan for publicly accessible areas must be prepared in consultation with Council officers, in accordance with the Second Deed of Variation of Owner's Approval Deed dated 26 June 2009. The Management Plan must be prepared, publicly exhibited and approved by the Council prior to the issue of an Occupation Certificate, or the use commencing, whichever is the earlier.

**F14 Safety Management Plan**

The recommendations of the Safety Management Strategy and Plan and Draft Security Management Plan shall be implemented prior to the issue of the Occupation Certificate.

**F15 Post-construction Dilapidation Report**

- (a) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B11, and
  - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) A copy of this report is to be forwarded to the Director-General and Council.

**F16 Waste and Recycling Collection Contract**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

**F17 Waste and Recycling Management - Residential**

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

**F18 Street Numbering – Major Development**

Prior to an Occupation Certificate being issued, street numbers and the building name must be clearly displayed at either end of the ground level frontage in accordance with the *Policy on Numbering of Premises within the City of Sydney*. If new street numbers or a change to street numbers is required, a separate application must be made to Council.

**F19 NSW Transport & Infrastructure Requirements**

Workplace travel plans and transport access guidelines are to be prepared to encourage staff and residents to utilise sustainable means of transport.

**End of Section**

## **PART G - POST OCCUPATION**

### **G1     *Annual Fire Safety Statement***

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received

### **G2     *Annual Fire Safety Certification***

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

### **G3     *Control of Legionnaires Disease***

- (a) The Public Health Act 1991, Public Health (Microbial Control) Regulation 2000 and NSW Health Code of Practice for the Control of Legionnaires Disease include microbial control requirements for the installation, operation and maintenance of air handling, heated water systems and water cooling systems and must be complied with.
- (b) The owner or occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation. Registration forms are available from Council.

### **G4     *Loading and Unloading***

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

### **G5     *Noise – Mechanical Plant and Equipment***

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ( $L_{A90, 15\text{minutes}}$ ) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

### **G6     *Restriction on Residential Development***

- (a) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (d) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building.

- (e) Car parking spaces may only be used for storage related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

### ***G7 Air Conditioners in Residential Buildings***

The air conditioner/s must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

**End of Section**



## **ADVISORY NOTES**

### **AN1    *Strata Subdivision***

Any proposal to Strata subdivide the development will require separate applications to obtain Development Approval for the proposal and subsequent approval of the final Strata Plan and issue of the Strata Certificate by Council or a Complying Development Certificate from a PCA or an accredited Strata certifier in accordance with Section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

### **AN2    *Compliance Certificate, Water Supply Authority Act, 2000***

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (a) the certifying authority before release of the Construction Certificate,
- (b) the approval authority before the release of the subdivision certificate, and
- (c) the principal certifying authority prior to occupation.

### **AN3    *Requirements of Public Authorities for Connection to Services***

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

### **AN4    *Compliance with Building Code of Australia***

The Proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **AN5    *Structural Capability for Existing Structures***

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

### **AN6    *Application for Hoardings and Scaffolding***

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

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

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

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

#### **AN7 Use of Mobile Cranes**

The following requirements apply:

- (a) 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.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (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.

#### **AN8 Movement of Trucks Transporting Waste Material**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

#### **AN9 Construction Inspections**

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (a) Foundations,
- (b) Footings,
- (c) Damp proof courses and waterproofing installation,
- (d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (e) Structural beam and column framing,
- (f) Timber wall and roof framing, and
- (g) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

#### **AN10 Excavation – Aboriginal Objects**

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

#### **AN11 Excavation – Historical Relics**

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

#### **AN12 Application under Part 4A of the Act**

An application under Part 4A of the Act shall be submitted to the approval authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

#### **AN13 Other Details Required prior to Issue of Subdivision Certificate**

The Proponent shall submit to the satisfaction of the approval authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (a) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- (b) Documentary evidence that the property has been developed in accordance with plans approved by this approval and of compliance (or a Compliance Certificate) with the conditions of that approval.

#### **AN14 Compliance with National Code for Construction and fit out of food premises**

The Proponent shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The Proponent shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

#### **AN15 Stormwater drainage works or effluent systems**

A construction certificate for works that involve any of the following:

- (a) water supply, sewerage and stormwater drainage work
- (b) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

#### **AN16 Waste Water Recycling**

Separate applications must be submitted to the Council's Health and Building Department for approval to install and operate a system of sewage management under section 68 of the Local Government Act 1993. This includes any private recycled water schemes that involve

the installation and operation of a management system processing, grey water, black water and where sewer mining is proposed.

The application must satisfactorily address the eight performance standards contained within Clause 44 of the Local Government (General) Regulation 2005 before any operating approval relating to a system of sewage management is granted. These are copied below:

- (a) the prevention of spread of disease by micro-organisms
- (b) the prevention of the spread of foul odours
- (c) the prevention of contamination of water
- (d) the prevention of degradation of soil and vegetation
- (e) the discouragement of insects and vermin
- (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned
- (g) the re-use of resources (including nutrients, organic matter and water)
- (h) the minimization of any adverse impacts on the amenity of the premises and surrounding lands if appropriate. Provision for the re-use of resources (including nutrients, organic matter and water).

Reference should also be made to the NSW Guidelines for Management of Private Recycled Water Schemes a copy of which is available from Water for Life [www.waterforlife.nsw.gov.au](http://www.waterforlife.nsw.gov.au).

The installation may also be subject to a licence application under the Water Industry Competition Act 2006 to IPART (the Independent Licensing and Regulatory Tribunal) and as such applicants are encouraged to contact the Council's Health Compliance Team for further advice prior to submitting a S68 Application. IPART may also be contacted for further advice on their licensing requirements at [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au).

### ***AN17 Temporary Structures***

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

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

### ***AN18 Place of Public Entertainment***

An approval from the Council under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

### ***AN19 Disability Discrimination Act***

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

## ***AN20 Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## ***AN21 Roads Act, 1993***

A separate application shall be made to RTA for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road.

## ***AN22 Road Closure***

A temporary road closure permit is to be obtained by Council/RTA prior to the closure of any roads.

## ***AN23 Sydney Water***

An application will need to be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) will need to be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the PCA prior to the occupation of the development or release of the linen plan.

## ***AN24 Road Opening Permit***

A separate **Road Opening Permit** under Section 138 of the Roads Act 1993 shall 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).

## ***AN25 Prohibition on Participation in Resident Parking Permit Scheme***

All owners, tenants and occupiers of this building 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.

**End of Section**

**SCHEDULE 3**

**MP 09\_0078**

**PROJECT APPLICATION FOR BLOCK 2  
FRASERS BROADWAY, 26 BROADWAY, CHIPPENDALE**

**STATEMENT OF COMMITMENTS**

**(SOURCE: ENVIRONMENTAL ASSESSMENT / PREFERRED PROJECT  
REPORT)**

## 4.0 Revised Statement of Commitments

Following the above comments, Frasers Broadway Pty Ltd has revised the commitments relating to the project as outlined in Table 2.

Table 1 – Revised Statement of Commitments

Key Issue	No.	Commitment	Timing
Design	1.	The proposed development will be constructed in accordance with the plans and documentation submitted with the Project Application.	Ongoing.
ESD	2.	The proposed development will achieve a 5 Star Green Star rating (Multi residential PILOT tool unless superseded by an operational tool).	Prior to occupation of the building.
Public Domain	3.	Proof shall be submitted demonstrating that Public Right of Way easements have been created on the land title	Prior to an occupation certificate being issued.
	4.	A Publicly Accessible Areas Management Plan will be entered into by the building management	Prior to the occupation of the building
Retail premises	5.	Separate Project Applications / Development Applications (dependent on cost of works) will be lodged for each of the ground floor retail tenancies.	N/A.
Childcare	6.	29 Childcare spaces for the proposed development will be provided on Blocks 1 and 4. The addition 21 spaces generated by the Block 2 development will be provided within the development on Blocks 8 or 11.	Ongoing.
Construction Management	7.	A detailed Construction Management Plan will be prepared by the building contractor.	Prior to the issue of a construction certificate.
	8.	Management of noise, vibration, dust, soil and erosion arising from the construction of the building will be undertaken in accordance with the Construction Management Plan (CMP) for the development.	Throughout the duration of construction works.
	9.	A sign will be erected on the boundary fence of the development which will advise of the following: <ul style="list-style-type: none"> <li>Contractor details</li> <li>24 hour emergency contact details</li> </ul>	Throughout the duration of construction works.
	10.	Construction work will be carried out at the following times: <ul style="list-style-type: none"> <li>Monday to Friday: 7.30am to 5.30pm</li> <li>Saturday: 7.30am to 3.30pm</li> <li>Sunday and Public Holidays: No work to be undertaken</li> </ul>	Throughout the duration of construction works.

Key Issue	No.	Commitment	Timing
Traffic Management	11.	A construction traffic management plan will be prepared and submitted to the certifier.	Prior to the issue of a Construction Certificate.
	12.	Works will be carried out in accordance with the construction traffic management plan.	Throughout the duration of construction works.
Parking	13.	Commercial, retail and residential parking spaces will be managed in accordance with a car park management plan will be prepared by the building manager.	Prior to Occupation of the building.
Accessibility	14.	All publicly accessible areas of the building will be designed to equitable access for the mobility impaired.	Prior to issue of a Construction Certificate.
Waste Management	15.	A commercial contractor will be engaged to remove waste and recycling from the building in accordance with the Waste Management Plan for the project.	Prior to occupation of the building.
Residential Amenity	16.	Mitigation measures outlined in the detailed CMP will be implemented so as to minimise impacts on the surrounding community.	Throughout the construction of the building.
	17.	The plant selected for the building will be acoustically treated so as to meet the acoustic goals set in the Noise Assessment prepared by Acoustic Logic.	Prior to occupation of the building.
	18.	The acoustic treatments proposed to the achieve the noise goals set for the internal amenity of the proposed units will be certified by an appropriately qualified acoustic consultant.	Prior to the issue of a construction certificate.
Heritage	19.	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement prepared by Urbis Pty Ltd.	Throughout the duration of the construction works.
	20.	Construction works will be overseen by a qualified heritage consultant when in close proximity to the heritage gate.	As relevant
	21.	The recommendations of the nominated site archaeologists will be carried out.	Prior to work commencing in the relevant areas.
	22.	Temporary and permanent interpretive elements will be incorporated into the design of the proposed building	During the construction phase and design development



Key Issue	No.	Commitment	Timing
			phase.
Wind	23.	The wind amelioration treatments recommended by CPP will be incorporated into the design of the proposed building	Prior to the issue of a Construction Certificate.
Reflectivity	24.	The façade of the building will be constructed so as to meet the recommendations made by CPP in relation to reflectivity.	Prior to issue of a Construction Certificate.
Consultation	25.	Frasers will regularly update local residents on construction work and the progress of the development via their community liaison officer, website and newsletter.	Ongoing
Public Transport	26.	Transport access guides and Workplace Travel Plans containing specific measures to increase public transport and cycling trips will be prepared for the proposed building.	Prior to the issue of an Occupational Certificate.
Acoustic Amenity	27.	Information will be submitted to the PCA demonstrating that the proposed design will meet the internal noise criteria as outlined in the Acoustic Assessment.	Prior to the issue of a CC.
Strata Subdivision	28.	The 2 key apartments will be located on a single strata lot so as to ensure each unit remains in single ownership.	Prior to the issue of an OC.
Public Art	29.	Public art will be installed in the atrium of the Block 2 building.	Details to be provided prior to the issue of a CC.
Remediation	30.	Site Audit Statements will be issued confirming that the site has been made suitable or that sufficient management measures are in place so as to ensure that the site is suitable for the proposed use.	Prior to issue of an OC.