

29 December 2014

File No: 2014/581371

Our Ref: R/2014/33/A

Ben Lusher
Manager Key Sites
NSW Planning and Environment
GPO Box 39,
Sydney NSW 2001

Attention: Simon Truong, Senior Planner
simon.truong@planning.nsw.gov.au

Dear Simon,

RE: Modification to Concept Plan MP06_0171 (Mod 10) and State Significant Development Application SSD 14_6673 for Block 4N, Central Park

I refer to your correspondence received on 19 November 2014 inviting Council to make a submission regarding Central Park JV No. 2's request to modify the approved Concept Plan MP06_0171 (Modification 10) and a State Significant Development Application (SSD 14_6673) for Block 4N at Central Park.

The City has reviewed the information provided as part of the public exhibition and does not raise objection to the proposal, subject to the issues outlined below being addressed. Recommended conditions of consent have also been included.

The City seeks amendments to the application and seeks further information on the following particular matters:

- No Crime Prevention Through Environmental Design Report for Block 4N was included in the exhibition package;
- The parking allocation for the hotel should be reduced;
- Confirm the total floor space allocated for the two level child care centre. A reduction in the proposed number of child care places may be necessary as a result;
- The delivery of the through-site link between Block 4N and Block 4S may be delivered in two stages and may result in issues with established planting. It is recommended that the boundary line is moved to the north or south of the site;
- More detailed heritage studies, including Conservation Management Plans (CMPs) that include detailed schedules of conservation works, should be prepared and lodged for approvals prior to relevant works commencing; and
- Further information within the Acoustic Report is necessary for a full and proper assessment of the acoustic issues with the application.

Relocation of GFA for Block 1 and Block 4N

The proposed modification to the Concept Plan seeks to transfer 223m² of GFA from Block 1 to Block 4N. The change results in the allocation of 3,552m² of residential floor space at Block 4N and reduction in non-residential floor space from 25,930m² to 22,155m². The City raises no objection, in principle, to the relocation of GFA between blocks in Central Park where there is no change to the total GFA across the development site.

Building Design

The proposal is a general improvement to the original plan. The mix of uses is supported as it diversifies the building façade and helps break up the building form.

The podium datum has been designed with an appropriate relationship with the heritage listed Australian Hotel. Horizontal elements on the podium level which mimic the façade of the Australian Hotel are supported.

Landscape

The landscape consists of work to the ground level pedestrian routes and courtyards, planters on Levels 3, 12, the roof and a heavily planted communal courtyard proposed on Level 11. The design and quality is largely consistent with the recently approved neighbouring blocks within the Central Park development and is supported by the City.

Parking

Car spaces

A separate modification to the approved basement parking arrangement for Block 4N has been submitted to the Department for assessment, therefore the City cannot comment on basement parking in terms of layout, design and conditions of consent for this aspect of Block 4N.

In total, 126 car parking spaces are proposed for the development complying with the provisions of *Sydney LEP 2005*. However, the total number of car spaces proposed for the hotel is considered excessive. The quantum of parking for the hotel use should be reduced in the order of 50% from 56 spaces to 28 spaces.

The Applicant should clarify if the 5 spaces proposed for the childcare centre, to be located on Basement Level 2 are for staff or for pick up/drop off. If the spaces are for the purposes of pick up or drop off, the preferred location is the level of parking closest to the ground floor and located adjacent to the child care lift lobby.

Bike spaces

The number of proposed bicycle parking spaces is unclear. The City recommends the bike parking provisions under Sydney DCP 2012 should generally be adopted for the proposal. The provisions of DCP 2012 require 48 spaces for residents, 54 for staff and 40 for visitors. However, a condition is recommended to cap the total number of visitor bike parking spaces to 20. The provision of fewer visitor bike parking spaces is justified given the number of spaces provided within the public domain.

The plans indicate some visitor bike parking in the basement. The City recommends that all visitor bike parking is provided at the ground floor level. Commercial bike parking is shown on Level B1. Ideally, the location of these spaces would be on the Upper Basement Level in one secure facility, not dispersed as currently shown.

Pick up/drop off spaces

Pick up/drop off spaces for the hotel, including coaches, is not discussed in the traffic report. It is recommended that a condition be imposed to encourage this parking to be provided off-street.

Crime Prevention Through Environmental Design (CPTED)

The CPTED Report provided relates to Block 11, not Block 4N. The City requests a copy of the CPTED Report for Block 4N for comment with the Response to Submissions Report.

As the Applicant is preparing or updating the CPTED Report for Block 11, it should be noted that, in relation to the existing development at Central Park, the City contends that there has been a lack of detail in various applications which has resulted in poor CPTED outcomes. For example, the fortress-like appearance of stairwells, easy access for intruders at ground level and the letterbox slot providing a foothold for intruders in the north-eastern area of the development.

The City remains uneasy with the potential for licensed venues at the site having adverse amenity impacts on Chippendale Green which continues to receive a number of reports to the NSW Police. Although the fitout and use of the future retail tenancies is subject to separate development applications, the City puts the developer on notice that the trading hours and management of licenced premises near the Green will be carefully reviewed.

Public Domain

The proposed through site link between this site and Block 4S shows the boundary down the centre. As a consequence, the link will be delivered in two sections. This may result in problems with established planting if the through-site link is not delivered in a coordinated manner. To ensure the vision for the link can be delivered, the City recommends that the boundary line is moved to the north or the south.

Driveway access proposed to the site from Abercrombie Street is wider than the maximum permitted single crossing of 6m. If the driveway is required to have a width greater than 6m, then it must be separated into two crossovers with sufficient area between for a pedestrian refuge. A condition of consent has been provided to achieve this outcome.

As a result of the development of Block 4N, public domain upgrades to Broadway and Abercrombie Street will be required. A public domain damage deposit will be necessary for the 2m either side of the development along Abercrombie Street and Broadway.

Childcare Centre

The floorspace tables in the EIS indicate 1,442m² of floor space to be allocated to the child care centre. However, other parts of the EIS state that 1,080m² will be used by the child care centre. If the intent is to provide 1,080m² floor space, the number of children will need to be decreased. The maximum floor space provided to the child care centre needs to be clarified.

For a 90-place child care centre, a minimum of 630m² of unencumbered outdoor play area and minimum of 292m² unencumbered indoor play area is required. If the child care centre is only allocated 1,080m² floor space over the two floors, then the centre must cater for less than 90 children to allow for the inclusion of ancillary play spaces.

The plans show a safe haven on each floor. Safe havens must be centrally located within the child care centre and open directly on to a dedicated fire isolated stair. The floor area of each safe haven is to be calculated at 0.25m² per person (per child and per staff member). The plans show a 26m² safe haven on Level 3 and 26m² safe haven on Level 4. This will need to be reviewed through the fit-out DA to ensure adequate space is provided for children and staff.

The lift used by the child care centre is to be secured with swipe access. The Applicant should investigate opportunities to connect the two floors with internal stairs. This allows staff and children to travel in between two floors without having to access the fire stairs and lifts.

Heritage

Block 4N includes the Australian Hotel, located on the corner of Broadway and Abercrombie Street and terraces at 8-12 Abercrombie Street. The Australian Hotel has heritage significance at the local level for its historic, aesthetic, associative and representative values. The Hotel is one of the most intact Hotels internally, with a high degree of integrity in form, function and materials.

The maintenance of the integrity of the Australian Hotel and terraces has improved compared to earlier proposals for Block 4N. The redesign of the structure of the tower will provide spatial separation between the new building and heritage buildings so that they read as independent structures in the streetscape. The separation also maintains views through to the heritage listed St Benedict's Church group opposite and to the ridge of Sydney University.

The City requests that the full conservation works to the buildings be undertaken, in particular the terraces which are in extremely poor and derelict condition.

Conservation Management Plans

The Conservation Management Plans submitted need to be developed further to include the detailed schedule of conservation works to be undertaken as part of the base building works. The plans need to be submitted prior to the issue of a Construction Certificate and works undertaken prior to the issue of an Occupation Certificate.

Tenancy Strategy

The City recommends the developer prepare a retail strategy that would foreshadow the likelihood of adverse retail scenarios, establishing principles for all potential retail fit-outs.

Heritage Interpretation Plan

The design, development and construction stages of the project should incorporate the outcomes of the Heritage Interpretation Plan prepared for Central Park (CUB) site in 2009, particularly recommendations for the Hotel and terraces. The Heritage Interpretation Plan should also include recommendations for the display of findings of archaeological investigations.

Heritage Asset Management Plan

A Heritage Assessment Management Plan to guide cyclic maintenance of the site should be submitted prior to the issue of an Occupation Certificate. The plan should also be submitted to the City for approval.

Archival Recording

Archival recording needs to be undertaken at various stages through works as demolition progressively exposes fabric and equipment. A copy should be lodged with the City.

Protection Methodology

All fabric and elements identified as significant in the Former Carlton and United Brewery Conservation Management Plan prepared by NBRSA dated 2005 must be protected throughout all stages of the works. A protection methodology is to be submitted to the City's Heritage Specialist for approval prior to the issue of the Construction Certificate.

The methodology should also make recommendations about the vibration monitoring of external walls, structural elements and significant fabric. The methodologies adopted for the Brewery building should be undertaken during the construction process.

Noise Impact Assessment

The City has assessed the Noise Impact Assessment prepared by Acoustic Logic and requests further information. The assessment does not refer to weather conditions during the monitoring period. The consultants should have recorded the weather conditions at the site and adjusted data when weather conditions were unsatisfactory.

The standard noise condition referenced in Part 5.2.1 of the assessment report is an out-dated condition. Mechanical noise should be assessed against the Council's current standard condition. The following amendments to the assessment report are recommended to address concerns:

- Part 6.2.1.1 refers to a total of 90 children within the centre. Specify the maximum number of children in each outdoor play area and consider any noise break out from internal portions of the child care centre;

- Part 6.2.3 refers to a 200mm floor slab above the child care premises. The consultant is to verify there will be 200mm concrete separation and make any necessary adjustments to the assessment if the slab is less than 200mm in thickness;
- Part 7.4.1 refers to activities associated with the site. The consultant is to address any excavation works, e.g. hydraulic hammers or saw cutting and any other processes associated with the excavation;
- Part 7.7 is to include a statement that ensures a mail-out to likely affected occupants is done prior to works commencing. The statement must include predicted project time frames e.g. start date, summary of works divided into approximate time frames and date of completion;
- Part 7.8.2 should include wording such that additional respite periods will be provided if contingency plans cannot be satisfactorily implemented;
- Additional mitigations measures in relation to construction noise are required to achieve a better outcome for nearby occupants; and
- There is no reference to predicted noise levels relative to background noise levels. Provide projected noise emission levels for each type of equipment and audibility of equipment at neighbouring premises so compliance with City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992 may be determined.

Acid Sulfate Soils

Block 4N is located in a Class 5 soil classification area, however is less than 500 metres from a Class 1 Acid Sulfate Soil location as shown on the Acid Sulfate Soils Planning Map. The proposal involves the removal of 1 tonne of soil for underground construction, altering the water table as a result of the excavation and construction of the building.

A Preliminary Assessment of Acid Sulfate Soils should be prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works located nearby a Class 1 Acid Sulfate Soils zone. It must be prepared by a person or company qualified in relevant geotechnical expertise on the assessment and remediation of Acid Sulfate Soil risks.

The Preliminary Assessment must conclude that an Acid Sulfate Soils Management Plan (ASSMP) is not required in accordance with the guidelines, otherwise an ASSMP must also be submitted to Council in accordance with NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998.

The ASSMP may be requested prior to an Occupation Certificate. The Preliminary Assessment should be provided prior to Construction Certificate approval.

Dewatering

NSW Planning and Environment will need to be satisfied that no dewatering is required for the construction project or a Licence has been applied for and approved by the NSW Office of Water prior to the commencement of works on site.

Should the Department grant approval to the application, the City recommends that the attached draft conditions be adopted in the consent.

Should you wish to speak with a Council officer about the above, please contact Marie Ierufi, Planner, on 9265 9333 or at mierufi@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue Robinson', with a stylized, cursive script.

Sue Robinson
Acting Director
City Planning | Development | Transport

ATTACHMENT - RECOMMENDED CONDITIONS ON CONSENT

(1) SCHEDULE OF CONSERVATION WORKS AND IMPELMENTATION

To conserve the heritage significance of the Former Irving Brewery complex the following is to apply:

- (a) A Schedule of Conservation Works, based on the recommendations of the Former Carlton and United Brewery Site Conservation Management Plan by NBR SAP dated 2005, is to be submitted to Council's Heritage Specialist for approval prior to the issue of the Construction Certificate.
- (b) The submission of the Schedule is to be supported by key drawings, detail drawings and specifications, and is to incorporate the principles of the Australian ICOMOS Burra Charter.
- (c) Materials for making good, are to match the original materials in terms of colours, finishes, sizes, profile and materials.
- (d) The Schedule should be comprehensive and include works to all significant fabric and elements, including as a minimum, wall tiling, floor tiling, brickwork, render, shopfront windows and doors, recessed entries, window and door joinery, timber roof structure, timber floors, sub floor ventilation, timber linings, internal plaster, pressed metal linings, roofing, roof plumbing, awnings and signage.
- (e) The approved Schedule of Conservation Works is to be implemented to the satisfaction of Council's Heritage Specialist prior to the Occupation Certificate, by means of site inspections staged at intervals to suit the programme of works.

(2) DESIGN DETAILS

The following design details are to be submitted to be submitted for the approval of Council prior to a Construction Certificate being issued:

- (i) Details of the proposed shopfronts to the terraces.

(3) PROTECTION METHODOLOGY

- (a) All fabric and elements identified as being of significance in the Conservation Management Plan are to be adequately protected throughout all stages of the works. To this end a protection methodology is to be submitted to Council's Heritage Specialist for approval prior to the issue of the Construction Certificate.
- (b) The methodology should also make recommendations on the following:
 - (i) Vibration monitoring of external walls, structural elements and significant fabric and elements of the Brewery buildings should be undertaken during the construction process

- (ii) Site induction of all construction personal as to the significance of the Irving Street Brewery buildings, and the elements and fabric to be conserved.

(4) COMMEMORATIVE PLAQUE

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by Council prior to an Occupation Certificate being issued.

(5) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (d) The new windows and doors must use timber joinery.
- (e) The face brickwork/sandstone must not be rendered, painted or coated.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

(6) EXTERNAL COLOUR SCHEME

The external colour scheme is to be sympathetic to the architectural style and period of the buildings. A schedule of colours is to be submitted to and approved by Council prior to the issue of the Construction Certificate.

(7) HERITAGE ASSET MAINTENANCE PLAN

A Heritage Asset Maintenance Plan must be prepared to guide the future maintenance on heritage fabric for the buildings, significant fabric and elements, the yard and the interpretation and submitted to Council's Heritage Specialist for approval prior to the issue of an Occupation Certificate. The Maintenance Plan is to be based on the NSW Heritage Branch Maintenance Series 1.1: 'Preparing a Maintenance Plan' and include all fabric identified as being of heritage significance, specification notes, and list of appropriate consultants and suppliers.

(8) HERITAGE INTERPRETATION PLAN- NON STANDARD

- (a) A developed interpretation plan for the Block 4N must be submitted to and approved by Council's Heritage Specialist prior to a Construction Certificate being issued.
- (b) The developed interpretation plan must detail how information on the history and significance of the Block 4N will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. Specific spatial allocations are to be provided.
- (c) Prior to occupation certificate being issued the approved interpretation plan must be implemented to the satisfaction of Council's Heritage Specialist.

(9) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MAJOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of structures within Block 4N is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

Procedure

For buildings or structures with heritage significance, the archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Specialist to determine the particular architectural/design features of the building/site that may need to be recorded.

For buildings or structures with no heritage significance the archival documentation requirements are less comprehensive, and may just be limited to contextual and exterior photographs only. However, this will depend upon the type, complexity and significance of the building, and should be confirmed with the Area Planning Manager, and if necessary Council's Heritage Specialist.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows.

- (A) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (B) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

- (a) For each of the two submissions listed above in (a) and (b), the form of the recording is to be as follows:
 - (i) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
 - (ii) The Development Application number and the Condition of Consent number must be noted on the front of the folder and in the report.
 - (iii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (iv) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
 - (v) 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 licence 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.
- (b) A digital based recording is to include:
 - (i) CD or DVD containing the report in PDF format and the electronic images saved as JPEG TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans

- (c) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(10) USE OF CONSERVATION ARCHITECT

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Throughout the documentation and construction stages of the approved works the Conservation Architect is to:

- (a) Maintain a diary of site inspections that includes photographs of the works and details of advice arising out of the inspection. Site inspections must be of not less than fortnightly intervals. The diary is to progressively provide detail as to the satisfaction of the works.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to commencement of work on site.
- (c) The final Diary is to be submitted to and approved by Council prior to an Occupation Certificate being issued.

(11) STRATEGY FOR FUTURE TENANCIES

- (a) To ensure that future tenancies conserve significant heritage fabric and spaces and interpret the heritage character of the buildings, a set of guidelines for future tenancies should be developed.
- (b) The guidelines should include specific recommendations relating to the retention of visibility into the building, appropriate finishes, visual clutter, partitioning, additional requirements for mechanical servicing, lighting, security including for ATMs and internal signage.
- (c) The Tenancy Strategy is to be submitted to and approved by Council prior to a Construction Certificate being issued.

(12) ASSOCIATED ROADWAY COSTS

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

(13) PARKING ON COMMON PROPERTY AREAS

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

(14) VEHICLE FOOTWAY CROSSING

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

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

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

(15) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).

- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(16) 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".

(17) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

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

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

The form of the recording is to be as follows:-

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

- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

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

(18) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

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

(19) PROTECTION OF SURVEY INFRASTRUCTURE

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

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

(20) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(21) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

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

(22) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued excluding any approved preparatory, demolition or excavation works.
- (c) Prior to the issue of any Occupation Certificate, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.
- (d) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued for public domain works or above ground building works, whichever is earlier, and prior to the commencement of any work within the public way.
- (e) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the

time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

- (f) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by Council.

The stormwater quality assessment must:

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

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

(23) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

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

(24) DRAINAGE AND SERVICE PIT LIDS

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

(25) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Broadway and Abercrombie Street frontages of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(26) PUBLIC DOMAIN DAMAGE DEPOSIT

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

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(27) PUBLIC DOMAIN LIGHTING

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

(28) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

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

(29) DRIVEWAY WIDTH

The proposed driveway access from Abercrombie Street is wider than the maximum 6m permitted under the City's Technical Specifications. The driveway either needs:

- to be reduced in width to comply, or
- two separate crossovers need to be created each with a maximum width of 6m, with a minimum of a 2m separation at the building line.

The amended design needs to be incorporated within the Public Domain Plan.

(30) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following criteria:
 - (i) The LAeq, 15minute noise level emitted from the use must not exceed the background noise level LA90, 15minute by more than 5dB when assessed at the boundary of any affected residence.
 - (ii) The LAeq, 15minute noise level shall be adjusted for modifying factors in accordance with Appendix 2 of the Noise Guide For Local Government published by DECCW.
 - (iii) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise.
 - (iv) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected residence.
- (b) An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence provided that:
 - (i) Where the LA90, 15minute noise level is below the threshold of hearing Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
 - (ii) The LAeq, 15minute noise level and the LA90, 15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
 - (iii) The LA90, 15minute noise level shall be measured in the absence of noise emitted from the use but with the (excluding air-conditioning equipment) normally servicing the affected residence operating.
- (c) An LAeq, 15minute noise level emitted from the use must not exceed the LA90, 15minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any commercial premises provided that;

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

(31) RIGHT OF PUBLIC ACCESS

- (a) Prior to the issue of an Occupation Certificate for the development, a documentary Right of Public Access, limited in stratum, is to be created and registered on the Title of the development site. The Easement is to be defined over the strip of land shown as "Through-Site Link" on the approved plans. The Easement is to be created appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,
- (b) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council.

(32) LAND SUBDIVISION

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

(33) STRATA SUBDIVISION – DEVELOPMENT CONSENT

Any proposal for strata subdivision for all or part of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes (Freehold Development) Act 1973*.

(34) RESTRICTION ON USE OF CAR SPACES - HOTEL

The following conditions apply to car parking:

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

(35) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL, SERVICED APARTMENTS AND MIXED USE

The following conditions apply to car parking:

- (a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
- (b) Prior to an Occupation Certificate being issued, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- (c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the *Strata Titles (Freehold Development) Act, 1973*, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the *Conveyancing Act 1919* burdening all car parking part - lots in the strata scheme.

(36) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(37) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
 - (i) location of site boundaries and adjoining roads
 - (ii) approximate grades and indications of direction(s) of fall
 - (iii) approximate location of trees and other vegetation, showing items for removal or retention
 - (iv) location of site access, proposed roads and other impervious areas
 - (v) existing and proposed drainage patterns with stormwater discharge points
 - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
 - (i) timing of works
 - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
 - (iii) access protection measures
 - (iv) nature and extent of earthworks, including the amount of any cut and fill
 - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
 - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
 - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
 - (viii) frequency and nature of any maintenance program
 - (ix) other site-specific soil or water conservation structures.

(38) ROAD OPENING PERMIT

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

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

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

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

(40) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (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 (temporary structures) in a public place.
- (b) Where a consent is granted allowing the placement of temporary structures in a public place the structures must comply fully with Council's *Policy for the Design of Construction Hoardings* and the conditions of any consent granted including:
 - (i) maintaining a current and valid consent for the full duration that the temporary structures are installed in the public place (Section 139, *Roads Act 1993*);
 - (ii) bill posters and graffiti being removed within 24 hours of their placement (Clause 3.1);
 - (iii) maintaining temporary structures in a clean and tidy condition including repainting where directed by an authorised officer of Council (Clause 3.1);
 - (iv) hoarding site fences complying with Clause 3.3 - Element 3;
 - (v) site sheds on decks of Type B hoardings being fully screened from the public place (Clause 3.3 - Element 5); and
 - (vi) providing and maintaining operational artificial lighting systems under Type B hoardings (Clause 3.3 – Element 9).

(41) 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.

(42) STREET TREE PROTECTION

Street trees must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
 - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and truck at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(43) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

(44) TELECOMMUNICATIONS PROVISIONS

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Certifying Authority prior to a Construction Certificate being issued.
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

(45) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

(46) WASTE AND RECYCLING COLLECTION CONTRACT

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

(47) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

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

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure that waste handling works have been completed in accordance with: the Waste Management Plan; other relevant development consent conditions; and Council's *Policy for Waste Minimisation in New Developments 2005*.

(48) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

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

UPON COMPLETION OF THE DEVELOPMENT

- (c) 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.

(49) ENCROACHMENTS – NEIGHBOURING PROPERTIES

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

(50) ENCROACHMENTS – PUBLIC WAY

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

(51) SURVEY CERTIFICATE AT COMPLETION

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

(52) 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.

(53) 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.

(54) 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.

(55) 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.

(56) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

(57) ACCESS DRIVEWAYS TO BE CONSTRUCTED

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

(58) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.

- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(59) 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.

(60) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.