

# CONSOLIDATED INSTRUMENT

## Platinum Property Advisors Pty Ltd v Minister for Planning

### Conditions of Consent

The development application referred to in Schedule 1 is approved, subject to the conditions in Schedule 2.

These conditions are required to:

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

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### SCHEDULE 1

<b>Application No.:</b>	SSD 7064
<b>Applicant:</b>	Sutherland & Associates Planning Pty Ltd
<b>Consent Authority:</b>	Land and Environment Court, New South Wales
<b>Land:</b>	175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (Lot 10 DP 809537, Lot 1 DP 1093304, Lot 1 DP 724328, Lot 15 DP 57107, Lots 3 and 4 DP 977379, Lot 5 DP 68798)
<b>Development:</b>	<p>Mixed use hotel, residential flat building and retail development:</p> <ul style="list-style-type: none"><li>• demolition of existing structures;</li><li>• construction of a 6 storey building comprising:<ul style="list-style-type: none"><li>○ hotel accommodation for 45 rooms</li><li>○ a residential flat building containing 20 apartments;</li><li>○ two retail / commercial units;</li><li>○ wine bar; and</li><li>○ a double storey basement.</li></ul></li></ul>

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### Summary of Modifications

<b>SSD 7064</b>	<b>Approved by the NSW Land and Environment Court on 22 March 2018</b>
<b>SSD 7064 MOD1</b>	<b>Approved by the Independent Planning Commission of NSW on 21 December 2018, for:</b> <ul style="list-style-type: none"><li>• an additional 280 square metres (m<sup>2</sup>) of retail / commercial gross floor area (GFA)</li><li>• layout changes to the approved retail / commercial tenancies</li><li>• provision of a hotel reception</li><li>• additional residential communal open space.</li></ul>

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## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Aaron Sutherland & Associates Planning, or anyone else entitled to act on this consent
<b>Application</b>	The development application and the accompanying drawings plans and documentation described in Condition A2.
<b>BCA</b>	Building Code of Australia
<b>Construction Council</b>	Any works, including earth and building works City of Sydney Council
<b>Certifying Authority</b>	Means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Department Development</b>	Department of Planning and Environment or its successors The development described in Schedule 1 and Schedule 2 condition A2, as amended by the conditions of this development consent
<b>Evening EIS</b>	The period from 6pm to 10pm Environmental Impact Statement titled prepared by Sutherland & Associates Planning, dated August 2015
<b>EPA</b>	Environment Protection Authority, or its successor
<b>The Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation or Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Minister</b>	Minister for Planning, or nominee
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>RTS</b>	Response to Submissions report prepared by Sutherland & Associates Planning, dated August 2016
<b>Reasonable and Feasible</b>	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
<b>RMS</b>	Roads and Maritime Services Division, Transport for New South Wales or its successor
<b>Secretary</b>	Secretary of the Department of Planning and Environment, or nominee/delegate
<b>Secretary's approval, agreement or satisfaction</b>	A written approval from the Secretary (or nominee/delegate) Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavor to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
<b>Subject Site</b>	175-177 Cleveland Street and 1-5 Woodburn Street, Redfern
<b>Suitably qualified acoustic consultant</b>	Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.
<b>TfNSW</b>	Transport for New South Wales
<b>UGDC</b>	Urban Growth NSW Development Corporation
<b>Waste</b>	As defined in the POEO Act

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## SCHEDULE 2

### PART A – ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

#### Terms of Consent

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the Development described in Schedule 1.
- A2. The applicant shall carry out the Development in accordance with the:
- (a) State significant development application;
  - (b) Environmental Impact Statement, prepared by Sutherland and Associates Planning, dated August 2015 as amended by the Section 4.56 Planning Statement, prepared by Sutherland and Associates Planning dated August 2018;
  - (c) Remediation Action Plan 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern dated 14 March 2016 and prepared by EI Australia and the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor JM Nash dated 21 July 2016 and referenced 85573.00;
  - (d) Response to Submissions prepared by Sutherland and Associates Planning, dated August 2016 **and 15 October 2018;**
  - (e) Building Code of Australia Compliance Assessment Report for proposed mixed use development 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern prepared by AED Consulting revised 5 March 2018 dated June 2018.
  - (f) Acoustic Report prepared by Acoustic Logic revised 28 February 2018.
  - (g) BASIX certificate no. 659199M\_02 dated 16 March 2018.
  - (h) Following drawings as set out in the table below:

Architectural Drawings prepared by Cottee Parker Architects			
Drawing No.	Revision	Name of Plan	Date
DA1000	A	Site Plan	21/11/2017
DA2002	C	Lower Basement Floor Plan 02	22/02/18
DA2003	C	Lower Basement Floor Plan 01	22/02/18
DA2004	<u>C</u> <u>D</u>	Ground – Level 1 Floor Plan	<u>16/08/2018*</u>
DA2005	<u>B</u> <u>C</u>	Level 2 Floor Plan	<u>18/12/2018*</u>
DA2006	<u>B</u> <u>C</u>	Level 3 Floor Plan	<u>15/08/2018*</u>
DA2007	B	Level 4 Floor Plan	22/02/18
DA2008	B	Level 5 Floor Plan	22/02/18
DA2009	B	Level 6 Floor Plan	22/02/18
DA2010	A	Level 7 Floor Plan	21/11/2017
DA2011	A	Roof Plan	21/11/2017
DA3000	B	North Elevation	22/02/18
DA3001	B	East Elevation	22/02/18
DA3002	B	West Elevation	22/02/18
DA3003	A	South Elevation	20/11/2017
DA3100	<u>B</u> <u>C</u>	Section A	<u>15/08/2018*</u>

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DA3101	<a href="#">B</a> <a href="#">C</a> <a href="#">C</a>	Section B	<a href="#">15/08/2018*</a>
DA3102	<a href="#">B</a> <a href="#">C</a> <a href="#">C</a>	Section C - Courtyard	<a href="#">16/08/2018*</a>
DA3103	<a href="#">B</a> <a href="#">C</a> <a href="#">C</a>	Section C - Courtyard	<a href="#">15/08/2018*</a>
DA4000	<a href="#">B</a> <a href="#">C</a> <a href="#">C</a>	Regulatory Requirements	<a href="#">16/08/2018*</a>
DA4001	<a href="#">B</a> <a href="#">C</a> <a href="#">C</a>	GFA Diagram	<a href="#">16/08/2018*</a>
DA4002	B	Cross Ventilation Plan	22/02/18
DA4003	B	SEPP 65 Compliance Matrix	22/02/18
DA4100	A	Plan Shadow Diagrams	21/11/2017
DA4200	A	Solar Access Plan	21/11/2017
DA4201	A	Solar Access Sheet 01	21/11/2017
DA4202	A	Solar Access Sheet 02	21/11/2017
DA4203	A	Solar Access Sheet 03	21/11/2017
DA7000	A	North Elevation Finishes	21/11/2017
DA7001	A	East Elevation Finishes	21/11/2017
<b>Engineering Drawings prepared by S&amp;G Consultants Pty Limited</b>			
Drawing No.	Revision	Name of Plan	Date
SW02	A	Stormwater Drainage Plan – Basement	05/09/2015
SW03	A	Stormwater Drainage Plan – Ground Floor / Level 1	10/09/2015
SW04	A	Stormwater Drainage Plan – Roof Plan	10/09/2015
SW05	A	Erosion & Sediment Control – Plan & Details	10/09/2015
SW06	B	Details Sheet	10/09/2015

\* [Denotes the plotted date of the plan](#)

### Inconsistency between Documents

- A3. If there is any inconsistency between the plans and documentation referred to above and the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### Limits of Consent

- A4. This consent will lapse five years from the date of consent unless the works associated with the Development have physically commenced.
- A5. This consent does not approve the following components of the Development:
- (a) fit out and operation of the commercial / retail tenancies on the ground / first floor;
  - (b) fit out and operation of the wine bar;
  - (c) strata subdivision; and
  - (d) signage.

Separate approval/s from the relevant consent authority is required, except where exempt and complying development applies.

### Prescribed Conditions

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- A6. The applicant shall comply with the prescribed conditions of this consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000.

### Long Service Levy

- A7. Prior to the issue of the Construction Certificate for each stage of the Development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Secretary.

### Obligation to minimise harm to the Environment

- A9. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the Development.

### Encroachments

- A10. No portion of the proposed building works shall encroach onto the adjoining properties or public land, whether at, above or beneath ground level, without prior approval of the adjoining owner.
- A11. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

### Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

- A12. To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the Redfern- Waterloo Authority Affordable Housing Contributions Plan 2006.

In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*, the levy is 1.25% of the total gross floor area (GFA) of the proposed development and is calculated at \$84.60 per square metre (being the rate at 1 July 2017). The total contribution amount will be finalised upon confirmation of the gross floor area in accordance with **Condition B5** **Condition B8**. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and Clause 9 of the *Redfern- Waterloo Authority Affordable Housing Contributions Plan 2006*.

This contribution plus indexation in accordance with the Building Price Index is to be paid via bank cheque or deposit into the Redfern-Waterloo Fund (towards the provision of affordable housing within the Redfern Waterloo area).

Proof of payment of this contribution to the UGDC Development Corporation (UGDC) and calculation of any indexing, shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate. No deferred or periodic payments are permitted.

Email [info@ugdc.nsw.gov.au](mailto:info@ugdc.nsw.gov.au) or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC Development Corporation.

A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available on the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au).

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## Redfern-Waterloo Authority Contributions Plan 2006

A13. To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the Redfern-Waterloo Authority Contributions Plan 2006.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution amount of ~~\$357,042.40~~\$272,272 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund (towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan).

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of the first Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to Construction Certificate, written verification of this should be provided by UGDC Development Corporation and provided to the Certifier. No deferred or periodic payments are permitted.

Email [info@ugdc.nsw.gov.au](mailto:info@ugdc.nsw.gov.au) or phone 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UGDC Development Corporation.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Suite 3220, Bay 4 Locomotive Workshop 2 Locomotive Street Eveleigh NSW 2015 or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au).

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**End of Section**

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**PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE****No Works Prior to Construction Certificate**

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

**Amended Plans**

B2. Prior to the issue of the first Construction Certificate, amended architectural plans and supporting documentation shall be submitted to the Secretary including:

- (a) The green wall shown on the North Elevation drawing DA3000 Revision B and West Elevation drawing DA3002 Revision B, dated 22 February 2018 be deleted and replaced with a high quality, durable and non-flammable material with a decorative quality. Natural materials such as brass panels or copper panels would be considered appropriate on a property fixing system. The proposed treatment must not encroach land outside of the site, in accordance with condition A10.
- (b) Updated landscape plans and supporting documentation including any amendments as a result of the approved architectural plans referred to in condition A2 and this condition of this development consent.
- (c) A Remediation Action Plan addendum as referred to on page 2 of the Letter of Interim Advice prepared by NSW Environment Protection Authority accredited Site Auditor JM Nash dated 21 July 2016 and referenced 85573.00 and, if required by the accredited Site Auditor an updated Remediation Action Plan (once the additional testing identified in the letter of Douglas Partners dated 21 July 2016 has been undertaken and the results analysed).
- (d) The construction certificate drawings are to demonstrate that a minimum of 60% of apartments ('required minimum number of apartments') are able to be naturally cross ventilated in accordance with the ADG Part 4B by incorporating the following measures or alternative solutions submitted to, and approved by, the Secretary or his delegate:
  - i. For elevations facing the internal courtyard a plenum is to be provided in accordance with Drawing DA4002B or alternatively, windows and doors are to be designed with two closures:
    - Internally, a conventional door or window (as the case may be) with all doors/windows able to be secured in an open position; together with,
    - Externally, a lockable louvre type screen door or window, with louvres fixed so as to provide for natural ventilation whilst ensuring the privacy of the occupants.
  - ii. The northern or western elevation of the required minimum number of apartments (as the case may be) are to incorporate an acoustically baffled device such as an acoustically rated trickle ventilator to provide for natural ventilation whilst also ensuring that the acoustic performance standards set out in the report by Acoustic Logic revised 28 February 2018 ('Acoustic Report') are achieved.
  - iii. As an alternative to (ii) if it is confirmed in a supplementary acoustic report that any secondary opening on the northern, western or southern side of the building is able to be kept in an open position whilst at the same time ensuring the interior of the apartment achieves the acoustic performance standards set out in the Acoustic report, then those apartments will contribute to the required minimum of apartments.
- (e) The opaque fixed glass louvres to the eastern and southern side of the walkway providing access to the residential apartments are to be fixed at an angle that permits the free flow of air through the louvres.

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- B3. The first Construction Certificate cannot be issued until the amended architectural plans and supporting documentation required in Condition B2 have been approved in writing by the Secretary.
- B4. Prior to the issue of the first Construction Certificate, amended architectural plans and supporting documentation shall be submitted to the Certifying Authority including:
- (a) That the non-compliances identified in the Building Code of Australia Compliance Assessment Report for proposed mixed use development 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern dated 5 March 2018 and prepared by AED Consulting have been addressed either by design amendments, additional information or by way of an alternative solution. This must be supported by an updated Building Code of Australia assessment report and a report by a suitably qualified fire engineer if a performance solution is proposed.
  - ~~(b) The Ground/Level 1 Floor Plan Drawing 2004C prepared by Cotteeparker dated 22 February 2018 is to be amended by the deletion of the door openings between the wine bar and the central courtyard. This amendment is required to ensure the acoustic amenity of future residents of the development. The terrace adjoining the wine bar is not to be used at any time by patrons of the wine bar. The use of this area is not approved by this consent and would require separate approval prior to its use.~~
  - (c) Design / specification to be compliant with the recommendation of the Acoustic Report prepared by Acoustic Logic revised 28 February 2018, as updated to consider noise and vibration from the future underground rail tunnel alignment (CBD Rail Link) as specified under Condition B77, B79 and B81. The Proponent must incorporate in the construction certificate and development all the measures recommended in the updated report. A letter is to be provided by the author of this report (or an alternative qualified acoustical expert) confirming that the Construction Certificate drawings demonstrate compliance.
  - (d) Drawings and specifications to satisfy the requirements of Sydney Trains in respect of the Existing Rail corridor and TfNSW in respect of the future CBD Rail Link as set out in conditions B77, B79, B81 and B84.
  - (e) The roller shutter door on the Eveleigh Street frontage is to be relocated to be no further than 6 metres from the property boundary and Drawing No DA2004C prepared by Cottee Parker Architects amended accordingly.
  - (f) Updated Engineering Drawings including any amendments as a result of the approved architectural plans referred to in condition A2 and this condition of this development consent.
  - (g) The northern window opening to apartment 1.1 is to be designed with the lower portion of the window fixed to the minimum height of 1 metre above FFL (or as may be otherwise required in accordance with the BCA) and the upper part of the window able to be slid or folded back so as to maintain an opening over 90% of the width of the window frame.
- B5. The first Construction Certificate cannot be issued until the amended architectural plans and supporting documentation required in Condition B4 has been approved in writing by the Certifying Authority.
- B6. The Development must be carried out in accordance with any amended plans approved by the Secretary under Condition B2 and B3.
- B7. The Development must be carried out in accordance with any amended plans approved by the Certifying Authority under Condition B4 and B5.
- B8. Prior to the issue of the first Construction Certificate, the gross floor area of the amended plans (as specified in Drawing DA4001B C) must be confirmed in writing by a registered surveyor to be consistent with the figures provided on Drawing DA4001B C. This must be provided to

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UGDC in order to calculate the affordable housing contribution payable in accordance with Condition A12.

### Parking

- B9. Basement parking shall be provided and appropriately signposted/marked for use as follows:
- (a) A maximum of 28 spaces are to be provided at Basement Levels 1 and 2 including four spaces for use by people with a disability. There are to be allocated as follows:
    - i. Residential car spaces – a maximum of 9 spaces;
    - ii. Residential visitor spaces – 3 spaces;
    - iii. Retail and wine bar use – 5 spaces;
    - iv. Hotel – 11 spaces
  - (b) Two spaces are to be maintained in common property and marked for use by service/delivery vehicle only. These are to be spaces SD1 AND SD2 on Basement Level 1 DA2003C.
  - (c) The resident visitor spaces are to be maintained in common property. These are to be spaces VP1, VP2 AND VP3 on Lower Basement Level 2 DA2002C.
  - (d) The spaces for delivery vehicles and for visitor parking are to be clearly labelled as to be used for each respective purpose only.
  - (e) Provision is to be made for end of journey bicycle parking in accordance with the City of Sydney Council requirements

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

- B10. 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 consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

### BASIX

- B11. Prior to the issue of a Construction Certificate, plans demonstrating compliance with BASIX certificate no. 659199M\_02 dated 16 March 2018 for the Development shall be submitted to the Certifying Authority.

### Vehicle Access/Egress Alert System

- B12. Prior to the issue of a Construction Certificate, details of a vehicle alert system to safely manage vehicular entry and exit shall be submitted to the Certifying Authority. The vehicle alert system shall not result in any adverse noise impacts on adjoining residents.

### Storage and Handling of Waste

- B13. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within each Building for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premise. Requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005 shall be met to the satisfaction of the Certifying Authority.

### Installation of Dual Flush Toilets

- B14. All toilets installed within the Development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to a Construction Certificate being issued for above ground works.

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**Installation of Water Efficient Taps**

- B15. All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

**Microbial Control Water System**

- B16. Prior to the issue of a Construction Certificate detailed plans of any water cooling system (including cooling towers) as defined under the Public Health Act 2010 must be prepared by a suitably qualified person and certified in accordance with AS3666: 1: 2011 Air handling and water systems of buildings – Microbial Control – Design, installation and commissioning and must be submitted to and approved by Council.
- B17. Water cooling system operation and maintenance manuals and maintenance service records shall be readily available at the premises for inspection by an authorised officer upon request. Such records must be kept on the premises in accordance with Clause 2.6 to AS/NZS 3666:2:2011 Air handling and water systems of buildings – Microbial control, operation and maintenance.
- B18. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the following: Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or part 3 if a Performance- based water cooling system) of AS3666:2011 Air handling and water systems of buildings – Microbial Control and the NSW Health Code of Practice for the Control of Legionnaires Disease.
- B19. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

**Mechanical Ventilation**

- B20. The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 -The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings.
- B21. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 - The Use of Mechanical Ventilation and Air conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, the Building Code of Australia, and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, and AS1668 -The Use of Mechanical Ventilation and Air conditioning in Buildings to the written satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
- B22. Residential apartments must be capable of complying with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building with all external windows and doors closed. Mechanical ventilation must be installed if required to ensure compliance.
- B23. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to and approved by the Principal Certifying Authority.

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- B24. The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all ground floor retail tenancies in accordance with relevant Australia Standards, in order to allow for the event that any of the tenancies, apart from the wine bar, are approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

### Car Park Ventilation

- B25. The car park must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

### Landscaping of the site

- B26. Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

### Internal Lighting System

- B27. The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off and on as required. Details of the internal lighting system must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

### Driveway

- B28. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the Construction Certificate.
- B29. 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.

### Loading Management Plan

- B30. A Loading Management Plan (LMP) is to be approved by the Certifying Authority prior to a Construction Certificate being issued. The Plan shall address, but not be limited to, the following matters:
- (a) Waste Collection;
  - (b) Deliveries (long and short stay);
  - (c) Coach/bus vehicles,
  - (d) Hotel related passenger pick-up and set down (including transfers and taxis).

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## Waste and Recycling Management

- B31. Prior to the issue of a Construction Certificate, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
- (a) recycling of demolition materials including concrete; and
  - (b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- B32. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- B33. The applicant shall submit a copy of the Construction Waste Management Plan approved under ~~condition B29~~ **Condition B31** to the Department and to the Council, prior to commencement of work.
- B34. All requirements of the approved Construction Waste Management Plan approved under ~~condition B29~~ **Condition B31** must be implemented during construction of the Development.

## Waste and Recycling Management – Commercial

- B35. 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.

## Waste and Recycling Management – Residential

- B36. A Waste Management Plan is to be submitted to and 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 Waste Management Plan must be implemented during construction of the Development.

## Pre-Construction Dilapidation Reports

- B37. The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be determined by a qualified geotechnical engineer and at the least is to be defined as the horizontal distance from the edge of the excavation to twice the maximum excavation depth. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1. A copy of the report is to be forwarded to the Council and each of the affected property owners.

In circumstances where access to a property is not provided or consented to by an owner, the person with the benefit of this consent is to engage its consultant to undertake an external assessment of the building and is to provide the certifying authority with evidence that at least two written attempts (more than 4 weeks apart) have been made to obtain access without success. In the event access is not provided, the dilapidation report is to be completed with only the external assessment for the relevant building or part of a building.

- B38. A Construction certificate cannot be issued until a Pre-Construction Dilapidation Report in accordance with ~~Condition B35~~ **Condition B37** has been approved by the Certifying Authority.

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- B39. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Department that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

#### **Car parking spaces and dimensions**

- B40. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS- 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- B41. The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- B42. Individual car parking spaces are not to be separately enclosed.

#### **Access for People with Disabilities**

- B43. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

#### **Construction Traffic Management Plan**

- B44. A detailed Construction Traffic Management Plan must be submitted to Council and RMS, prior to the issue of a Construction Certificate. The Construction Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council and RMS:
- (a) a description of the demolition, excavation and construction works;
  - (b) a site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
  - (c) any proposed road and/or footpath closures;
  - (d) details of any required Works Zones, (Note: Works Zones require the approval of the local Traffic Committee);
  - (e) proposed site access locations for personnel, deliveries and materials;
  - (f) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
  - (g) provision for loading and unloading of goods and materials;
  - (h) impacts of the work and vehicular movements on the road network, traffic and pedestrians;
  - (i) proposed hours of construction related activities and vehicular movements to and from the site;
  - (j) current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority);
  - (k) any activities proposed to be located or impact upon Council's road, footways or any public place; and

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(l) measures to maintain public safety and convenience.

A Construction Certificate cannot be issued until a detailed Construction Traffic Management Plan has been approved in accordance with this condition by Council and RMS.

B45. A Construction Pedestrian and Traffic Management Plan (CPTMP) must be prepared in conjunction with the CBD Coordination Office within TfNSW and Sydney Light Rail Team prior to the issue of a Construction Certificate. The CPTMP needs to specify, but not limited to, the following:

- (a) Location of the proposed work zone and staging area;
- (b) Haulage routes;
- (c) Proposed location of the crane;
- (d) Construction vehicle access arrangements;
- (e) Proposed construction hours;
- (f) Estimated number of construction vehicle movements;
- (g) Construction program;
- (h) Consultation strategy for liaison with surrounding stakeholders;
- (i) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (j) Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the Development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
- (k) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

A Construction Certificate cannot be issued until a CPTMP has been approved in accordance with this condition by the Coordinator General, CBD Coordination Office and the Certifying Authority, prior to the commencement of any work.

### Alignment Levels – Major Development

B46. At the forming of each of the floor slabs a report shall be submitted to the Certifying Authority by a registered surveyor confirming that the position of the slab in respect of each boundary and the level of the slab is in accordance the approved plans, except as modified by conditions of this consent.

B47. Existing steps on Woodburn Street are to be removed and the new footpath is to follow the alignment of the existing road and boundary alignment.

B48. 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).

B49. 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

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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.

- B50. A Construction Certificate cannot be issued until alignment levels have been approved by the Council in accordance with condition B46-B49.
- B51. The applicant must comply with any alignment levels approved by the Council in accordance with condition B46-B49

### Public Domain Plan

- B52. 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 prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual). The Public Domain Plan must be coordinated with the Cleveland Street Project as developed by City Projects.
- B53. 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. A lighting plan must be submitted with the Public Domain Plan and produced by an experienced lighting designer. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas. Street lighting is to satisfy the Australian Standard recommendations for Obtrusive Lighting. Submission is to include obtrusive light calculations to all residential properties in the lighting calculation areas.
- B54. A Construction Certificate cannot be issued until a Public Domain Plan has been provided to and approved by the Council in accordance with condition B52 and B53.
- B55. The applicant must comply with any Public Domain Plan approved by the Council in accordance with condition B54.
- B56. 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.
- B57. 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.
- B58. 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.

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**Public Domain Works – Hold Points and Handover**

- B59. 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.

**Public Domain Damage Deposit**

- B60. A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of concrete 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.

**Defects Liability Period – Public Domain Works**

- B61. All works to the City's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**Drainage and Service Pit Lids**

- B62. 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.

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

- B63. 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 Development 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;

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

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

### **Preservation of Survey Marks**

- B64. 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).

A Construction Certificate cannot be issued until a survey plan has been approved by Council in accordance with this condition.

### **Protection of Survey Infrastructure**

- B65. 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.

### **Stormwater and Drainage – Major Development**

- B66. 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.
- B67. 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.

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- B68. 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.
- B69. 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. 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 by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the Development will be designed to ensure that the flow of post- development pollutants from the site due to stormwater will be reduced.

### **Erosion and Sediment Control**

- B70. Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban stormwater – Soil and Construction Volume 1 (2004) by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and implemented in full during the construction period.

### **Physical Models**

- B71. Prior to a Construction Certificate being issued, an accurate 1:500 scale model of the Development must be submitted to Council for the City Model in Town Hall House.
- B72. Prior to a final Occupation Certificate being issued, an accurate 1:500 scale mode of the Development as constructed must be submitted to Council for the City Model in Town Hall House.

### **Electronic CAD Models**

- B73. Prior to a Construction Certificate being issued, an accurate 1:1 electronic CAD model of the detailed construction stage drawings for that stage must be submitted to Council for the electronic Visualisation City Model.
- B74. The data required to be submitted within the surveyed location must include and identify:
- (a) building design above and below ground in accordance with the development consent;
  - (b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (c) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- B75. The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at: <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements>. Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.
- B76. Prior to an Occupation Certificate being issued, a second and updated "as built" 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic City Model.

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## Transport for New South Wales – Future CBD Rail Link

B77. The following items are to be submitted to TfNSW in relation to the proposed CBD Rail Link (CBDRL) prior to the issuing of a Construction Certificate:

- (a) All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of noise and vibration from (future) railway operations. The Acoustic Report must be updated to consider noise and vibration from a future underground rail tunnel alignment. The Proponent must incorporate in the Development all the measures recommended in the report.
- (b) The design and construction of the basement levels, foundations and ground anchors for the Development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design, and any encroachment into Exclusion Zones 4 and 5 must comply with the limitations of the Structure Exclusion Zones as indicated in drawing 482749-281 Rev 1. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All ground anchors and rockbolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, of removable type or fibreglass type, to avoid obstruction of any future CBDRL construction.
- (c) A Geotechnical or Structural engineer is to verify that movements and stresses of the ground/structure interaction are within expected limitations for the proposed foundations, the rail corridor rock mass and the future excavation of the rail tunnels. The ground/structure interaction modelling and analysis should be completed using appropriate empirical and/or numerical methods (e.g. finite element analysis).

A Construction Certificate cannot be issued until TfNSW has approved the above items (a)-(c) relation to the proposed CBD Rail Link in accordance with this condition.

B78. All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations.

B79. Prior to the issue of a Construction Certificate, the Applicant is to:

- (a) Submit an acoustic assessment to the Secretary and TfNSW demonstrating how the proposed development will comply with the noise and vibration criteria outlined in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". All structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the future rail corridor construction and rail operations to the proposed development. The Applicant must incorporate in the development all measures recommended in the Acoustic Assessment report to control the risk of noise and vibration.
- (b) Engage an Electrolysis Expert to submit a report to TfNSW on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all measures recommended in the Structural Report for managing electrolysis and electromagnetic effects from rail operations.

B80. Any contamination issues encountered during the development of the site (e.g. demolition of existing structure) are to be resolved taking cognizance of the future railway (tunnel alignment).

B81. Prior to the issuing of a Construction Certificate the following items are to be submitted to TfNSW by the Applicant in relation to the proposed CBDRL for review and written endorsement:

- (a) Geotechnical and Structural report/drawings that meet TfNSW requirements including compliance with drawings 482749-280 Rev 1 and 482749-281 Rev 2, which are attached to this development consent at Attachment A. The design and construction of the basement levels, foundations and ground anchors for the Development are to be

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completed to the satisfaction of TfNSW. The developer shall develop their foundation design, and any encroachment into Exclusion Zones 4 and 5 must comply with the limitations of the Structure Exclusion Zone as indicated in drawing 482749- 281 Rev 2. Cross sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All measurements are to be verified by a Registered Surveyor.

- (b) All ground anchors and rockbolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, of removable type or fibreglass type, to avoid obstruction of any future CBDRL construction.
- (c) A Geotechnical or Structural engineer is to verify that movements and stresses of the ground/structure interaction are within expected limitations for the proposed foundations, the rail corridor rock mass and the future excavation of the rail tunnels. The ground/structure interaction modelling and analysis should be completed using appropriate empirical and/or numerical methods (e.g. finite element analysis).
- (d) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that TfNSW will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (e) Detailed Survey Plan showing the relationship of the proposed development with respect to CBD Rail Link Corridor.

B82. Unless advised by TfNSW in writing, all excavation, shoring and piling works within 25m of the CBD Rail Link Corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

B83. Any conditions issued as part of TfNSW approval/certification of any documentation for compliance with the TfNSW conditions of consent will also form part of the consent conditions that the Applicant is required to comply with.

### Sydney Trains – Existing Rail Corridor

B84. Prior to the issuing of a Construction Certificate the following items are to be submitted to Sydney Trains by the Applicant in relation to the existing corridor for review and written endorsement:

- (a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- (b) Construction methodology with construction details pertaining to structural support during excavation.
- (c) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
- (d) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains land and infrastructure.
- (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- (f) Drainage details based on the final approved development.

B85. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the Development is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and

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enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- B86. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B87. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B88. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- B89. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- B90. No rock anchors/bolts whether temporary or permanent are to be installed into Sydney Trains property or easements.
- B91. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- B92. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- B93. Sydney Trains or TfNSW, and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- B94. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

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- B95. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains and TfNSW must be submitted to the Principal Certifying Authority for its records prior to the issuing of a Construction Certificate.
- B96. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent will also form part of the consent conditions that the Applicant is required to comply with.

### Electrolysis Expert

- B97. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The applicant 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 Certifying Authority with the application for a Construction Certificate.

### Roads and Maritime Services (RMS)

- B98. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

A Construction Certificate cannot be issued until any detailed design plans and hydraulic calculations required by this condition have been approved by the RMS in accordance with this condition.

- B99. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124. Telephone 8849 2114 Fax 8849 2766.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

A Construction Certificate cannot be issued until design drawings and documents relating to the excavation of the site and support structures have been approved by the RMS in accordance with this condition.

- B100. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Cleveland Street.
- B101. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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## Land Remediation

- B102. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.
- B103. A NSW EPA Accredited Site Auditor and Council shall approve any variations to the proposed Remediation Action Plan in writing prior to the commencement of such work.
- B104. 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 EPA Environmental Guidelines Assessment, Classification and Management of Non- Liquid Wastes. 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.

## Site Audit Statement

- B105. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to Council Health and Building Unit clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

**Note:** Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

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**PART C – PRIOR TO CONSTRUCTION****Notice of Commencement of Works**

- C1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building works on the Site.

**Certified Plans**

- C2. Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

**Archaeology**

- C3. Historical archaeological monitoring and recording should be undertaken during the demolition phase of development, in order to mitigate the archaeological impact of the proposed development. This activity should be undertaken in accordance with the 'Historical Archaeological Impact Assessment' prepared by Archaeological and Heritage Management Solutions dated September 2015, in particular:
- (a) The nominated Excavation Director selected shall meet the criteria endorsed by the Heritage Council of NSW at the appropriate significance level;
  - (b) Results of the archaeological works shall be presented in a final excavation report within one (1) year of completion of all archaeological works on the site and shall be submitted for the information of the Heritage Council of NSW;
  - (c) A suitable artefact repository for the ongoing retention for any relics of local heritage significance which are recovered during excavations for this activity must be identified in the report; and
  - (d) A copy of the excavation report shall be retained with the relics at all times.
- C4. Condition now incorporated into condition C3.
- C5. Condition now incorporated into condition C3.
- C6. Condition now incorporated into condition C3.

**Aboriginal Heritage**

- C7. In the event of discovery of previously unidentified Aboriginal objects (excluding human remains):
- (a) works in the vicinity must cease;
  - (b) the Secretary and OEH must be notified of the discovery;
  - (c) the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence must be assessed by a suitably qualified archaeologist in consultation with the Department, OEH and Registered Aboriginal Parties;
  - (d) the consistency of any new Aboriginal heritage impacts must be assessed against the approved impacts of the SSI;
  - (e) any new Aboriginal site must be registered in the OEH's Aboriginal Heritage Information Management System (AHIMS) register.
- C8. In the event of discovery of human remains:
- (a) works in the vicinity of the site must cease;
  - (b) the Secretary, OEH, NSW Police Force and Registered Aboriginal Parties must be notified; and

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- (c) works must not recommence until authorised by OEH and / or the NSW Police Force.

## Photographic Recording

- C9. A copy of photographic recording of the existing building, including both interior and exterior and in line with NSW Heritage Office Guideline Photographic Recording of Heritage Items using Film or Digital Capture, is to be submitted to City of Sydney Council.

## Associated Roadway Costs

- C10. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must 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"

## Demolition, Excavation and Construction Management

- C11. Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Certifying Authority:
- (a) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls and (where applicable) the proposed method of facade retention;
  - (b) 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.)
  - (c) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (d) A Waste Management Plan for the demolition and or excavation of the proposed development.
  - (e) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, 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 Avoidance and Resource Recovery Act 2001*.
    - (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 consent.
    - (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) Induction training for on-site personnel.

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- (xiii) 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.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) 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).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) 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*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any Work Cover Authority requirements.
- (f) 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.

### Structural Details

- C12. Prior to the commencement of construction, the applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- (a) the relevant clauses of the BCA,
  - (b) the development consent, and
  - (c) drawings and specifications comprising the Construction Certificate.

### Construction Environmental Management Plan

- C13. Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
- (a) hours of work;
  - (b) 24 hour contact details of site manager;
  - (c) traffic management;
  - (d) noise and vibration management, prepared by a suitably qualified person;
  - (e) management of dust to protect the amenity of the neighbourhood;
  - (f) erosion and sediment control;
  - (g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - (h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
  - (i) flora and fauna management.
- C14. The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

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C15. The applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

### Photographic Record / Dilapidation Report – Public Domain

C16. Prior to demolition 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 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 Development 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; and
- (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.

### Utility Services

C17. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

C18. Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

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**PART D – DURING CONSTRUCTION****Hours of Work and Noise**

D1. The hours of construction and work on the Development must be as follows:

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

**Vibration Criteria**

D2. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

These limits apply unless otherwise outlined in the Construction Environmental Management Plan.

**Construction Noise Management**

D3. The Development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Environmental Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the Construction Environmental Management Plan.

**Hoarding Requirements**

D4. The following hoarding requirements shall be complied with:

- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its

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application.

### **Asbestos Removal Works**

- D5. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- D6. Five days prior to the commencement of licensed asbestos removal, Workcover must be formally notified of the works. All adjoining properties and those opposite the Development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- D7. All works must be carried out in accordance with the Work Health and Safety Regulation 2011 and the NSW Government and Workcover document entitled How to Safely Remove Asbestos, Code of Practice and the City of Sydney Asbestos Policy.
- D8. Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
- D9. Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.
- D10. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc.).
- D11. No asbestos laden skips or bins are to be left in any public place without the approval of Council.
- D12. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size. The site notice board must include the following:
  - (a) contact person for the site;
  - (b) telephone and facsimile numbers and email address; and
  - (c) site activities and time frames.

### **Waste and Recycling Management**

- D13. The proposal must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the proposal.

### **Hazardous and Industrial Waste**

- D14. Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Environmental Protection Authority, NSW Work Cover Authority pursuant to the provisions of the following:
  - (a) Protection of the Environment Operations Act 1997;
  - (b) Protection of the Environment Operations (Waste) Regulation 2005;
  - (c) Waste Avoidance and Recovery Act 2001;
  - (d) Work Health and Safety Act 2011; and
  - (e) Work Health and Safety Regulation 2011.

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**Imported Waste Derived Fill Material**

D15. The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997);
- (b) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- (c) Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

**Contaminated Waste**

D16. The generation, storage, transport, treatment or disposal of industrial, hazardous or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Conservation's (DEC) waste tracking requirements. For further information contact the Department of Environment and Conservation (DEC) on 133 372.

**Discharge of Contaminated Groundwater**

D17. Prior approval must be sought from the City's Public Domain Department to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Compliance with Demolition, Excavation, and Construction Noise Management Plan**

D18. All works conducted on site which form part of this Development must be carried out in accordance with the submitted and approved Demolition, Excavation and Construction Management Plan.

D19. Where all such control measures have been implemented and the resultant noise levels at any noise sensitive receiver are still in exceedances with the council's noise criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite. Such periods should where possible be set and agreed with the Council and be given at times high noise levels are, or are likely, to cause most offence.

**Loading and Unloading during Construction**

D20. 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;

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- (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; and
- (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.

### Access Driveways

D21. 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.

### No Obstruction of Public Way

D22. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

### Use of Mobile Cranes

D23. 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; and
- (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.

### Stockpiles

- D24. No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- D25. All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- D26. All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- D27. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours

### Use of High Noise Emission Appliances/Plant

D28. The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which 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

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Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites is restricted to the hours of:

- 9.00am to 12.00pm and 1.00pm to 4.30pm, Mondays to Fridays
- 9.00am to 1.00pm, Saturdays
- No work is permitted on Sundays or Public Holidays

D29. All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

### Covering Loads

D30. 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.

### Dust Management

D31. All reasonable and feasible steps must be taken to ensure that dust from activities conducted on site is kept to a minimum. This includes the covering and wetting down of disturbed soils.

### Erosion and Sediment Control

D32. Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils and Construction Volume 1 (2004) by Landcom. Details are to be included in the Construction Environmental Management Plan to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate and:

- 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;
- 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
- Building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

### Vehicle Cleansing

D33. 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.

### No obstruction of Public Way

D34. Deleted. Repeat of condition D22.

### Stormwater Drainage

D35. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifying Authority. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

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**Groundwater Discharge**

D36. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

**Ground Water**

D37. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- (a) Groundwater and sub-soil drainage must not be connected or discharged to the stormwater detention tank or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
- (b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- (c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
- (d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the Certifying Authority, prior to issuing the Construction Certificate.

**Survey**

D38. All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

**Road Closures**

D39. Any temporary lane or shoulder closure for construction purposes requires a Road Occupancy License from the Transport Management Centre (TMC). For further information, please contact the TMC on 8396 1513.

**Road Work Costs**

D40. All road work/regulatory signposting associated with the development shall be at no cost to RMS and TfNSW, unless otherwise agreed.

**Sydney Water**

D41. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

**Approved Plans to be On-site**

D42. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

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## Site Notice

- D43. A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of Development details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- D44. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

## Proximity to other services

- D45. That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.

## Marking and labelling

- D46. Above ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled RAINWATER' made in accordance with AS 1345 can be used.
- D47. Below ground distribution pipes shall be continuously marked 'RAINWATER' in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked 'RAINWATER' made in accordance with AS 2648 can be used.
- D48. All rainwater tank outlets, taps, valves and tank apertures shall be identified as 'RAINWATER' with a sign complying with AS1319 or a green coloured indicator with the letters 'RW'. Alternatively, a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

## Maintenance

- D49. All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no 2002/1 "Use of rainwater tanks where a reticulated potable supply is available" and any other local water utility requirements.
- D50. The rainwater collection system shall be constantly maintained in accordance to the manufacturer's instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms from wildlife including birds.

## Street Tree Pruning

- D51. The consent from Council must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- D52. Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

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**Traffic Works**

D53. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**Vehicle Footway Crossing**

D54. 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.

**Associated Roadway Costs**

D55. 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 "Development Specification for Civil Works Design and Construction".

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**PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS****Occupation Certificate to be Submitted**

- E1. An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department and Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**Landscaping of the site**

- E2. All landscaping in the approved plan listed in condition A2 as amended in accordance with condition B2 is to be completed prior to an Occupation Certificate being issued.

**Public Domain Works**

- E3. The works to the public domain are to be completed in accordance with the approved Public Domain Plan (condition B52-B54) and Alignment Levels plans (condition B46-50) and the Public Domain Manual before any Occupation Certificate is issued in respect of the Development or before the use commences, whichever is earlier.
- E4. 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 approved 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.

**Transport Access Guide**

- E5. A Transport Access Guides (TAGs) must be developed for the Student Accommodation and Residential Flat Building. The Transport Access Guide must be prepared in accordance with the RMS's Guide to Producing and Using Transport Access Guides and other guidelines/standards considered best practice.
- E6. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

**Transport for New South Wales – Future CBD Rail Link**

- E7. After the installation of foundation and shoring systems, prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to TfNSW and the consent authority with all founding levels and sizes of the footing. This drawing is to be certified by the qualified surveyor and qualified structural engineer. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

**Restriction on Use of Car Spaces - Residential**

- E8. Deleted. Repeated in condition F6.

**Allocation of Accessible Car Parking Spaces**

- E9. For residential development, the four accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units. Where allocated to adaptable units, the

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unit(s) and associated car spaces must be assigned to the units in any future strata subdivision of the building.

### Location of Accessible Car Parking Spaces

- E10. Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

### Bicycle Parking

- E11. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

### Vehicle Access

- E12. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

### Vehicular Access/Egress Alert System

- E13. Prior to the issue of an Occupation Certificate, a vehicle alert system to safely manage vehicular entry and exit shall be installed and operational. The vehicle alert system shall not result in any adverse noise impacts on adjoining residents.

### Signs at Egress

- E14. The following signs must be provided and maintained within the site at the point(s) of vehicular egress:
- (a) Compelling drivers to stop before proceeding onto the public way;
  - (b) Compelling drivers to “Give Way to Pedestrians” before crossing the footway; or
  - (c) Compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.

### Stormwater and Drainage – Major Development

- E15. 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.

### Acoustic

- E16. Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Certifying Authority that the Development complies with the requirements set out in the Acoustic Report and in Condition B2(d) and (e) above.

### Alcove Lighting

- E17. The proposed entry alcoves on the Cleveland Street and Woodburn Street elevations shall be fitted with a sensor-activated vandal proof security light. The light shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area.

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**Waste and Recycling Collection**

- E18. Prior to the release of the Occupation Certificate the person with the benefit of this consent shall provide the Certifying Authority with satisfactory evidence of a contract entered into with a private waste collection service for the removal of both residential and commercial waste and recycling from the site. No bins are to be left outside of the building or on the footpath at any time.
- E19. The following conditions apply to waste and recycling collection for the Development:
- (a) Clearance height for access by collection vehicle must be no less than 3.6m at any point if vehicle is required to enter site to service bins
  - (b) The maximum travel distance between the storage point and collection point for all waste and recycling receptacles shall be no more than 10 meters.
  - (c) Unimpeded access shall be provided for collection vehicles between 6am and 6pm on collection days.
  - (d) Waste and recycling containers will not be supplied until construction in developments is completed unless otherwise organised with waste services
  - (e) If there is commercial tenancies in this development they are not to use the residential waste and recycling service and have their own waste facility
  - (f) The development must have a residential rating or applied for a residential rating prior to a City of Sydney waste service
- E20. 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.
- E21. Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the 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*.

**Garbage Room**

- E22. The garbage room is to be constructed in accordance with City of Sydney's policy for *Waste Minimisation in New Developments* and the BCA. The floor of the garbage room is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements. A constant supply of water is to be available within the vicinity.

**Microbial Control in Water Systems**

- E23. Prior to the issue of an Occupation Certificate or if non applicable, prior to commencement of the use, the owner or occupier of the premises at which any warm water system and/or water cooling system is installed must cause notice of such installation(s) by providing to Council's Environmental Health department, written notification by way of the prescribed form under Clause 12 to the Public Health Regulation 2012. Any changes to these particulars must be notified to Council's Environmental Health department in writing within 7 days of the change(s). Copies of the notification forms are available on the City of Sydney website.

**Mechanical Ventilation**

- E24. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, 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;

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

### Fire Safety Certificate to be Submitted

E25. A Fire Safety Certificate must be submitted to the Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to Council if it is not the Certifying Authority.

### Hotel Accommodation

- E26. Each hotel room must have individual, secure and lockable storage facilities of a minimum capacity of 0.6m<sup>3</sup> per sleeping room.
- E27. The maximum length of stay permitted for any occupant of the hotel is three months in any year.
- E28. Where hotel accommodation is provided for more than 28 days, no more than two adults and one child are permitted per room.

### Street Numbering – Major Development

E29. 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.

### Site Suitability- Remediation

E30. Upon completion of the remediation works on the Subject Site, the Applicant shall submit a site audit report and site audit statement prepared by a site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

**Note:** The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55 - Remediation of Land*. Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

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**PART F – DURING OPERATIONS****Prohibition on Participation in Resident Parking Permit Scheme**

- F1. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- F2. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must ***be permanently displayed and located*** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation Certificate being issued and must be maintained in good order at all times ***by the Owners Corporation***.

**Restriction on Residential Development**

- F3. The following restriction applies to buildings approved for residential use:
- (a) The residential accommodation portion of the building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the State Environmental Planning Policy (State Significant Precincts) 2005.
  - (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
  - (c) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
  - (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

**Restriction on Use of Car Spaces – Hotel**

- F4. The following conditions apply to car parking spaces allocated to the Hotel:
- (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.

**Restriction on Use of Car Spaces – Retail and Wine Bar**

- F5. The following conditions apply to car parking spaces allocated to the Retail and Wine Bar;
- (a) The car spaces are not to be used other than by staff or patrons of, the retail unit(s) and wine bar.

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**Restriction on Use of Car Spaces – Residential**

- F6. The following conditions apply to car parking spaces allocated to residential apartments:
- (a) The on-site car parking spaces are not to be used other than by residents of the subject building for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.
  - (b) The strata subdivision of the site is to include a restriction on user pursuant to Section
  - (c) 39 of the Strata Schemes (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, burdening all car parking part lots in the strata plan.

**Water Pollution**

- F7. No wastewater, chemicals or other substances harmful to the environment shall be permitted to discharge to Council's stormwater system. Only clean, unpolluted water is permitted to discharge into the stormwater system.

**Connection to Sewers of Sydney Water Corporation**

- F8. Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

**Noise - General**

- F9. 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:
- (a) The LAeq, 15minute noise level emitted from the use must not exceed the Development specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055- 1997 Acoustics – Description and measurement of environmental noise.
  - (b) Development specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment LA90, 15 minute / rating LA90, 15 minute process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
  - (c) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- F10. 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 8kHz inclusive) when assessed inside any habitable room of any affected residence provided that;
- (a) Where the LA90, 15minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226:2003 - Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
  - (b) The LAeq,15minute noise level and the LA90,15minute noise level shall both be measured with all external doors and windows of the affected residence closed;
  - (c) The relevant background noise level (LA90, 15 minute) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the

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methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.

- (d) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating.
- (e) Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (f) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

### Emissions

- F11. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- F12. Gaseous emissions from the Development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

### Intruder Alarm

- F13. Intruder alarm/s associated with the Development must operate only in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

### Re-Use of Roof Rainwater Use

- F14. Rainwater is only to be collected from roof catchments and its use is restricted to toilet flushing, washing cars, garden use and for washing machines only.

### Installation requirements

- F15. All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NZS 3500. A permit in accordance with the NSW Code of Practice - Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.
- F16. Rainwater tanks shall be designed to include, but not be limited to the following:
  - (a) Shall be fitted with a first flush device.
  - (b) Openings being suitably sealed to prevent access by children and being fitted with a fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
  - (c) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
  - (d) Shall have an overflow device fitted to the rainwater tank which directs to the existing stormwater drainage system, and shall have a suitable drainage system fitted that facilitates flushing and cleaning.
  - (e) Shall have all taps and outlets marked “non potable - not for drinking” on a permanent sign and all pipes are to be coloured ‘green’ in accordance with AS 1345 / AS 2700.
  - (f) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.
  - (g) Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter location on the potable water

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supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (h) Water pumps are to be located so as not causing an “offensive noise” as defined by the Protection of the Environment Operations Act 1997 to any affected receiver.

### Loading Within Site

- F17. 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.

### Loading/Parking Kept Clear

- F18. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### Annual Fire Safety Certification

- F19. The owner of the building shall certify to the 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.

### Windows

- F20. All bedrooms (including those within apartments) must have an operable window or panel to provide natural ventilation as required by the BCA.
- F21. Openings to balconies and terraces are not to fitted with any type of enclosure, including louvres, glazing or the like.

### Use of Communal Outdoor Terraces

- F22. Use of the communal terraces on Level 2 and Level 6 of the building is restricted to residents or guests of the Development only. Access to the outdoor areas is to be restricted to between the hours of 7am and 10pm, 7 days a week. ~~The terrace adjoining (to the west of) the wine bar is not to be used by patrons of the wine bar at any time.~~

### No Speakers or Music Outside

- F23. Speakers must not be installed and amplified music, PA systems or the lifelike, must not be played or used in any of the outdoor areas associated with the premises including the public domain.

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**ADVISORY NOTES**

**Other Approval and Permits**

AN1 The Applicant shall apply to the council or the relevant authority for all necessary permits including temporary structures, crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

**Responsibility for other Consents / Agreements**

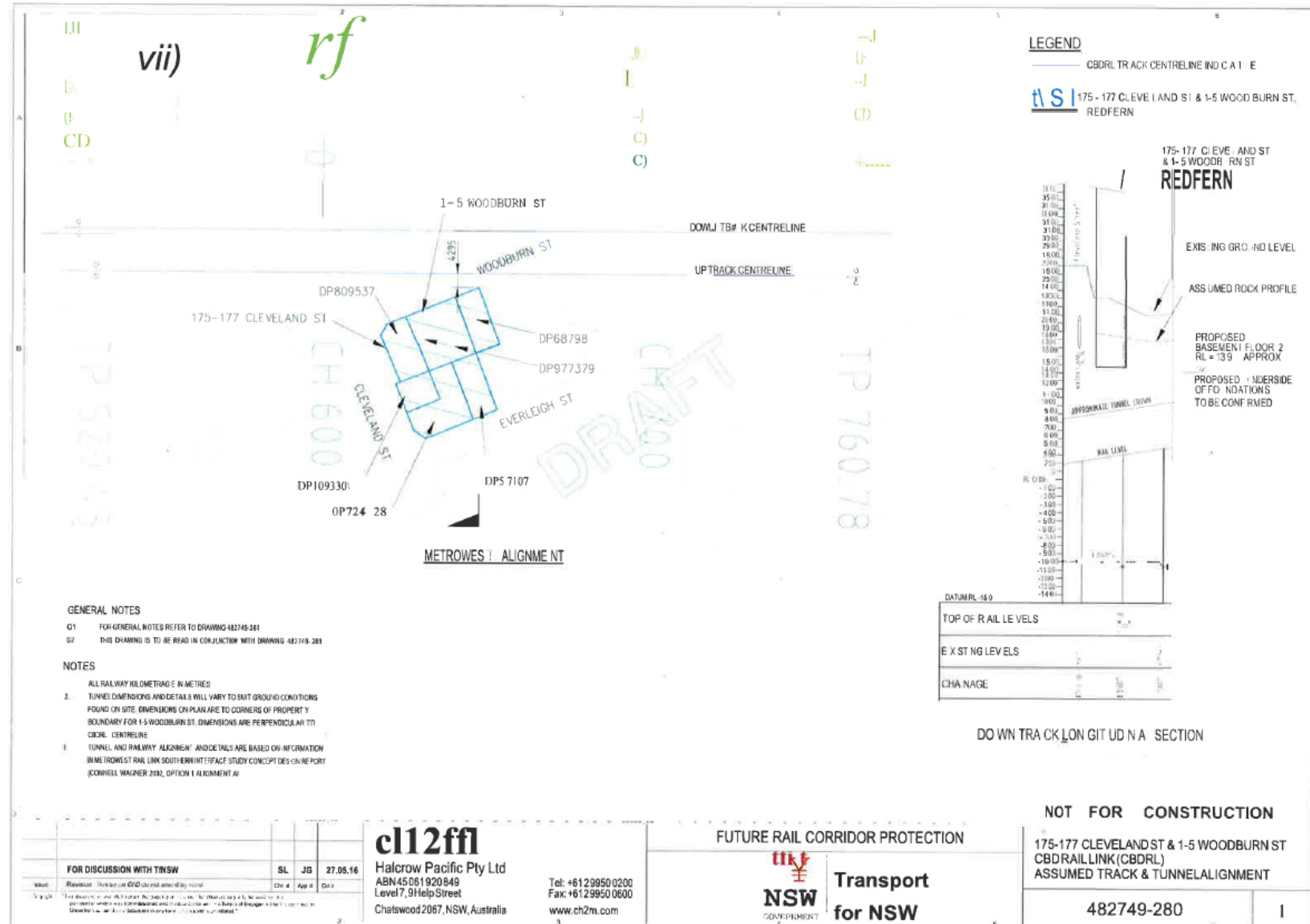
AN2 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant. This includes relevant permits under relevant exhibited animals legislation.

**Asbestos Removal**

AN3 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

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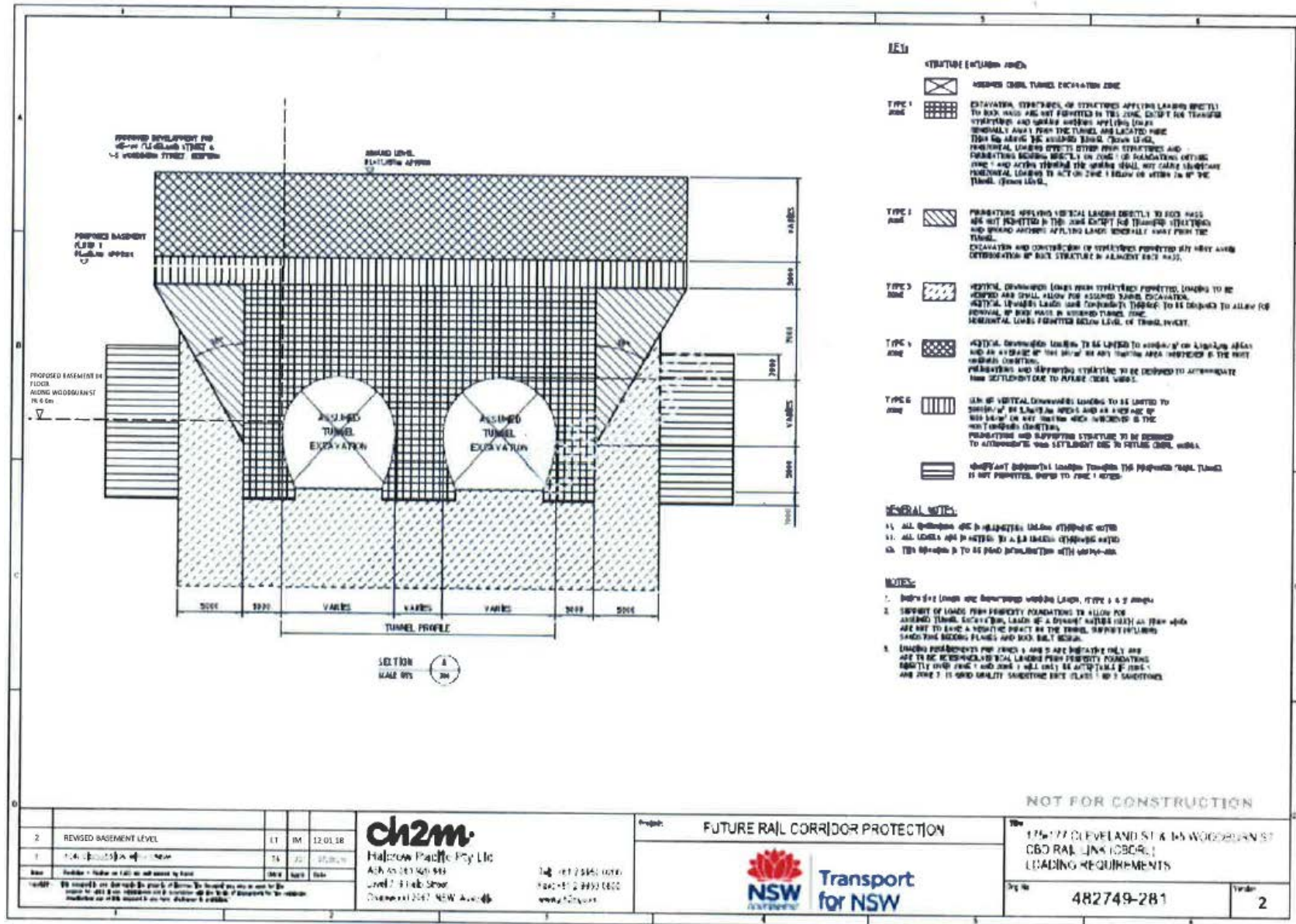
Attachment A



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