

**ITEM 49. SCHEDULE OF CONDITIONS**

**DECISION**

**ATTACHMENTS**

Schedule Of Conditions:-

- (A) Development Conditions
- (B) On Street Parade Conditions
- (C) Temporary Road Closure Conditions
- (D) Councils Tree Unit Conditions
- (E) Works Zone Conditions



# SCHEDULE A

## Development Conditions

### SCHEDULE 1A

#### **1 PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

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

#### **2 SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

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

#### **3 CAR PARKING SPACES AND DIMENSIONS**

A maximum of **[insert]** off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 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 Principal Certifying Authority prior to a Construction Certificate being issued.

#### **4 SEALING OF CAR PARK**

The surface of the car park must be sealed to allow safe and clear operation of the car park, appropriately line-marked for spaces and to aid traffic circulation, prior to an Occupation Certificate being issued.

#### **5 HOLDING AREAS**

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway, at any boomgates/shutters, internal one-way access ramps and at any stack parking areas. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

#### **6 SECURITY GATES**

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

## **7 SIGNAL SYSTEM**

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

## **8 SIGNS AT EGRESS**

Appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress, compelling drivers to stop before proceeding onto the public way.

## **9 VEHICLES ENTER/LEAVE IN FORWARD DIRECTION**

All vehicles must always be driven onto and off the site in a forward direction.

## **10 ACCESS DRIVEWAYS**

Where a single continuous access driveway is used to access multiple properties, such a driveway must be limited in width to a maximum of [*insert number*]m.

## **11 LOCATION OF DRIVEWAYS**

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

- 11.1** 10 metres from the intersection of the nearest cross street/lane.
- 11.2** 20 metres from the intersection of the nearest signalised cross street/lane.
- 11.3** 1 metre from the property boundary of the adjacent site.
- 11.4** 2 metres from any other driveway of the site.
- 11.5** 10 metres from any existing driveway or road/lane intersection located on the opposite side of the access road.

The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

## **12 DELETE DRIVEWAY**

The proposed access driveway off [*insert location*] shall be deleted.

## **13 STACKED PARKING EMPLOYEES OR TENANTS ONLY**

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

## **14 ALLOCATION FOR VISITOR PARKING**

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

## **15 LOCATION OF VISITOR PARKING**

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' prior to the issue of an occupation

## **16 INTERCOM FOR VISITORS**

The visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to an Occupation Certificate being issued).

## **17 SIGN FOR VISITOR PARKING**

A sign, legible from the street, must be permanently displayed to indicate the availability of visitor parking.

## **18 ACCESSIBLE CAR PARKING SPACES**

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

## **19 LOCATION OF ACCESSIBLE CAR PARKING SPACES**

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be proximate to such 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.

## **20 BICYCLE PARKING**

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 except that:

- 20.1** all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- 20.2** all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- 20.3** all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

## **21 LOADING WITHIN SITE**

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

## **22 SERVICE VEHICLES**

Courier spaces and loading docks must be located close to the service entrance and away from other parking areas, as detailed below:

- 22.1** A minimum of **[insert number]** courier space(s) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres.
- 22.2** A minimum of **[insert number]** loading dock(s) with minimum dimensions 3.5m x 7.5m with minimum head clearance 3.6m and 4.0m for residential developments.

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

### **23 LOADING VIA THE ENTRANCE**

All loading and unloading operations must be carried out via the entrance in **[insert location]**.

### **24 LOADING/PARKING KEPT CLEAR**

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.

### **25 LOADING FOR SEMI-TRAILERS**

The loading bay for service vehicles must have sufficient area and headroom to accommodate a semi-trailer and enable it to turn on site, in accordance with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off-street parking Part 2: Commercial vehicle facilities.

### **26 ARTICULATED VEHICLES**

At no time is the property to be serviced by articulated vehicles or vehicles bearing containers.

### **27 SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must be a maximum length of **[insert number]**.

### **28 TRAFFIC WORKS**

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

### **29 ASSOCIATED ROADWAY COSTS**

The developer is responsible for all costs associated the construction of any new road works including kerb and gutter, road pavement, drainage system, and footway. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction";

### **30 COST OF SIGNPOSTING**

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

### **31 CONSTRUCTION TRAFFIC MANAGEMENT**

The developer shall submit a Construction Traffic Management Plan for approval, before the issuing of the Construction Certificate.

## **32 LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- 32.1** All loading and unloading associated with construction must be accommodated on site.
- 32.2** The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- 32.3** 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.
- 32.4** In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- 32.5** If a Works Zone is warranted an application must be made to Council 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 of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- 32.6** Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.





## **SCHEDULE B**

### **On Street Event Conditions**

The Applicant and their representatives:

1. Must carryout letterbox drops to affected tenants, occupants and building managements at least one week prior to the start of road closures, and resolve to the satisfaction of the City, any issues that may arise and all representations made by the affected tenants and occupants.
2. Must provide a telephone number of the supervisor responsible for the proposed event/parade and include these contact details in the notification letters to affected tenants, occupants and building managements.
3. All costs associated with the event are to be borne by the applicant.
4. Must indemnify the City against all claims for damage or injury that may result from the activity or occupation of part of the footpath or road during the activity. The applicant must provide documentary evidence of public risk insurance cover indemnifying Council for a minimum of \$20,000,000.
5. Must develop and submit Traffic Management and Traffic Control Plans in consultation with the Roads and Maritime Services, Police, the City and State Transit Authority.
6. Must liaise with Police to determine locations for User-pay Police.
7. Must close roads in accordance with AS1742.3 and the approved Traffic Management Plan unless otherwise directed by Police or authorised City officers.
8. Must at all times provide a 4-metre wide emergency lane along the road to be closed.
9. Must not occupy the road or footway until the road closure has been implemented.
10. Must comply with the City's Code of Practice for Construction Hours and Noise within the City Centre.
11. Must provide and maintain appropriate and adequate traffic measures (including road closure signs and flashing lights) for the safe movement of traffic and pedestrians.
12. Must provide Roads and Maritime Services accredited traffic controllers at intersections to manage traffic and pedestrian safety.
13. Must provide local access for tenants. An accredited traffic controller shall be provided to manage the traffic ingress and egress at the location to ensure traffic and pedestrian safety at all times.
14. Must at all times provide access to adjoining premises in the proposed street closure to the satisfaction of the Emergency Services. All services (fire hydrants etc) shall be kept free of any obstructions.
15. Must advise emergency services (namely Police, Fire Brigade, Ambulance Service and St John Ambulance) of the proposed temporary road closure.
16. Must remove all barriers and signs associated with the road closure at the times nominated to reopen the street to traffic.
17. Must comply with any reasonable directive of the City Rangers, Police and Roads and Maritime Services.
18. Must place an advertisement in a Sydney metropolitan newspaper at least 7 days before the closure. Newspaper clippings must be provided to the City as evidence of the newspaper advertisement.
19. Must ensure a suitable Occupational Health & Safety Plan is in place for all personnel working at the site.
20. Must provide a Risk Management Plan for the event.
21. Must advise the Roads and Maritime Services Transport Management Centre of the closure and provide a contact details for the event.

22. If the event requires Special Event Clearways to manage the event, the applicant must provide details to the Roads and Maritime Services at least 6 weeks before the event.
23. Note that in the event of a traffic incident or emergency, the Police will take control of the event and make any necessary changes.
24. Must where practical make alternate parking arrangements for affected residents during the event.
25. Must reimburse the City for the cost of repair to any damage caused to the footpath or road as a result of the activities.
26. If the closure is on a bus route, the applicant must notify the State Transit Authority before each road closure and pay any associated costs for rerouting services and/or moving bus stops during each closure.
27. Must advise car share operators of the approved closure 7 days before the road is closed if a car share vehicle parking bay is located in the street.
28. The City reserves the right to revoke this road closure approval at any time without any compensation to the applicant.

## SCHEDULE C

### Temporary Road Closure Conditions

The Applicant and their representatives:

1. Must carry out letterbox drops to affected tenants, occupants and building managements at least one week prior to the commencement of the road closure, and to resolve, to the satisfaction of the City, any issues that may arise and all representations made by affected tenants and occupants.
2. Must provide a telephone number of the supervisor responsible for the proposed work to the City's Construction Regulations Unit, and include these contact details in the notification letters to affected tenants, occupants and building managements.
3. Must obtain written agreement from all affected car park operators for the proposed closures, and indemnify the City of Sydney and the Local Pedestrian, Cycling and Traffic Calming Committee against all claims of revenue loss as a result of the road closure.
4. Roads must be closed in accordance with AS1742.3 and the approved Traffic Management Plan, unless otherwise directed by Police or authorised City officers.
5. Before the road closure is implemented the applicant **MUST** obtain a permit from the City's Construction Regulations Unit (Telephone: 9265 9333).
6. Must contact the Police for deployment of User-Pays police if required for the road closure.
7. Must not occupy the carriageway or footway of the road until the road closure has been implemented.
8. Must at all times provide a 4-metre wide emergency lane along the closed road. If the emergency lane cannot be provided, then the Applicant must discuss it with Emergency Services (namely Police, Fire Brigade and NSW Ambulance) and provide an alternative emergency access arrangement to their satisfaction.
9. Must provide and maintain appropriate and adequate traffic measures (including detour signs and flagmen) for the safe movement of traffic and pedestrians.
10. Must, to the satisfaction of the Emergency Services, at all times provide access to adjoining premises in the road being closed. All services (fire hydrants etc) must be kept free of any obstructions.
11. Must advise emergency services of the road closure.
12. Must remove all barriers and signs associated with the road closure at the times nominated to reopen the road to traffic.
13. Must indemnify the City against all claims for damage or injury that may result from the activity or occupation of part of the road or footpath during the activity. The applicant must provide documentary evidence of public risk insurance cover indemnifying Council for a minimum of \$20,000,000.
14. Must reimburse the City for the cost of repair to any damage caused to the road or footpath as a result of their activities.
15. Must comply with any reasonable directive of the City Rangers, Police or Roads and Maritime Services.
16. Must at all times carryout the crane installation and lifting operations in a safe manner.

17. Must comply with the City's Code of Practice for Construction Hours and Noise within the City Centre.
18. Must place an advertisement in a Sydney metropolitan newspaper at least 7 days before the road closure.
19. Must meet all costs associated with the closure and shall pay all fees in accordance with the Council's current Fees and Charges.
20. Must notify the Transport for NSW Transport Management Centre.
21. Must ensure a suitable Occupational Health & Safety Plan is in place for all personnel working at the site.
22. Any variation on the approved date and conditions of approval must be submitted to the City's Traffic Operations Manager for resolution.
23. Must where practical make alternate parking arrangements for affected residents during the event.
24. Must have a Risk Management Plan for the road closure.
25. Note that in the event of a traffic incident or emergency, the Police will take control of all traffic and pedestrian arrangements.
26. If the closure is on a bus route, the applicant must notify the State Transit Authority before each road closure and pay any associated costs for rerouting services and/or moving bus stops during each closure.
27. Must advise car share operators of the approved closure 7 days before the road is closed if a car share parking bay is located in the street.
28. Must not block a driveway or access to any premises unless a written approval from the owner/occupants is first obtained.
29. The City reserves the right to revoke this road closure approval at any time without any compensation to the applicant.

## **SCHEDULE D**

### **Works Zone Conditions**

1. The applicant must notify adjacent properties of the Works Zone at least 7 days before the installation of the Works Zone.
2. The applicant must provide to the City the contact details (including telephone numbers) of the supervisor responsible for the Works Zone.
3. The applicant must pay all fees associated with the Works Zone, including any illegal use of the Works Zone.
4. The applicant must maintain public liability insurance for at least \$10 million during the period of use of the Works Zone. Evidence of this insurance must be provided to the City upon request.
5. The applicant must comply with all relevant legislation, including Rule 181 of the Road Rules NSW.
6. The applicant must ensure that all relevant approvals are obtained prior to making Works Zone payments.
7. The Works Zone must not be used for commuting or private kerbside parking by builders, tradesmen or visitors to the site.
8. The Works Zone must not be used to store materials or waste containers unless agreed by the City.
9. The applicant is responsible for maintaining all traffic and parking restriction signs around the building site, including Works Zone signs and other parking restriction signs introduced by the City to facilitate the building works. It is an offence under section 667 of the Local Government Act to willfully remove, destroy, deface, damage or otherwise interfere with notices or signs erected by the City. The applicant must immediately notify the City's Traffic Works Coordinator of any loss or damaged signs adjoining the building site. The applicant must pay for all costs of removal and reinstallation of signs if the applicant's act or omission caused the sign to be removed, destroyed, defaced or damaged.
10. The applicant must provide safe pedestrian access adjacent to the Works Zone during the hours of operation. All traffic and pedestrian control must be in accordance with the current version of AS1742.3 and its associated handbook and RMS' Traffic Control at Work Sites Manual.
11. The City may require the applicant to enter into a separate deed if pedestrian access through private land is required.
12. Where the Works Zone is adjacent to any street tree, trunk or major limb, protection must be installed prior to and during the period of the Works Zone. Such protection must be installed by a qualified arborist (AQF3 or higher). The tree protection must include wrapping of the tree trunk and any major branches with hessian or similar material to limit damage then space plank (50mm x 100mm or similar) at 100mm intervals and fixed against the trunk with tie wire or strapping. The trunk protection must not be fixed to the tree in any way (i.e. no nails or screws are to be used).
13. The applicant must not prune any street trees, including trees located outside adjoining properties, without the City's written consent. Only minor pruning works will be approved. Any pruning required to accommodate the loading/unloading of vehicles must be carried out by a certified tree surgeon / arborist (AQF3) and confirm to the provisions of AS4373-2007 "Pruning of Amenity Trees".
14. It is an offence under section 629 of the Local Government Act to willfully or negligently damage a tree in a public place. The applicant must immediately notify the City's Tree

Management Team on 9265 9333 if any street trees are damaged due to loading/unloading of vehicles. The City will determine the appropriate response for maintaining the health and structural integrity of the trees and may require the applicant to rectify the damage. If the applicant does not rectify the damage to the City's satisfaction, then the City may undertake the necessary works, which may include the full replacement of trees, and all associated costs must be paid by the applicant.

15. The applicant must give the City at least 2 weeks written notice if it wishes to suspend the Works Zone. The City may, at its sole discretion, allow for the suspension of the Works Zone subject to certain conditions. (Note: Generally, a Works Zone suspension will not be allowed if the suspension period is less than 4 weeks). The applicant will be responsible for all costs associated with the suspension, including removal and installation of signs. The applicant will not be required to pay the Kerbside Usage Fees for any period of Works Zone suspension.
16. The applicant must give the City at least 2 weeks written notice if the Works Zone is no longer required. The applicant must notify the City's Traffic Works Coordinator on facsimile: 9265 9222 or [TWC@cityofsydney.nsw.gov.au](mailto:TWC@cityofsydney.nsw.gov.au) for the Works Zone to be removed.
17. The applicant must continue to pay the Kerbside Usage Fees until the Works Zone is completely removed.
18. The City reserves the right to revoke the Works Zone approval at any time without compensation to the applicant.
19. Works for major transport projects, such as the Sydney Light Rail Project and the Sydney City Centre Access Strategy, are currently being undertaken in the City's Local Government Area and have priority access and use rights over City owned or controlled land including roads and footpaths. The City may at any time, and with at least 1 business days' notice to the applicant, revoke, suspend or restrict the Works Zone if the Works Zone:
  - is required for a major transport project; or
  - is impracticable due to changes arising from a major transport project, such as traffic diversions; or
  - is otherwise unsuitable due to a major transport project.

The applicant must make its own enquiries, on a regular basis, about the potential impact of major transport projects on the Works Zone and the construction program for its development site.

20. The City may, at any time and at its sole discretion, give notice to the applicant to terminate the Works Zone if the City considers that all construction loading and unloading may be done on site.
21. The City may, at any time and at its sole discretion, give notice to the applicant to terminate the Works Zone if there is any misuse of the Works Zone. Any fees paid (including the Deposit) will not be refunded.
22. The City may offset any amount owing by the applicant against the Deposit. The balance of the Deposit will be returned to the applicant when the Works Zone has been removed, all damages are rectified and all outstanding amounts are paid in full.
23. The City may suspend or restrict the operation of Works Zone for major events. Special traffic arrangements may be required during the Christmas and New Year period (generally from 1 December to 2 January) and other major event days. The applicant will not be entitled to any compensation. The applicant must make its own enquiries, on a regular basis, about any major events near their development site.
24. If the Works Zone is installed on a footpath, then on removal of the Works Zone, the

applicant must restore the footpath to its original condition. All works must be undertaken to the City's standards and specifications and to the satisfaction of the City's Public Domain team.

25. The applicant uses the Works Zone at its own risk. The City is not responsible for any loss, damage, injury or death relating to the applicant's use of the Works Zone. The applicant releases the City from and indemnifies and keeps the City indemnified against all liability, claims, action or demand associated with the Works Zone.
26. The City is not responsible for any costs, loss or damage if the applicant is not able to gain access to the Works Zone.

